S Gladwin
Chief Executive
Development Management

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Red Eagle One (Shipley) Ltd
C/o Agent

Thomas Taylor Planning Ltd
Castle House
South Street
Ashby De La Zouch
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LE65 1BR

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2022/0215**) which was valid on the 19 May 2022 for permission for **Demolition of existing classroom together with conversion and part extension of existing buildings to form up to 34 residential units (comprising a mix of up to 21 apartments and 13 dwellings) along with formation of associated parking, gardens and communal landscaped amenity space at Michael House School 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.

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

   Application Form
   Site Location Plan

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Signed

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Block Plan

AS PROPOSED DRAWING Nos.

SSA.2020.069-010a
SSA.2020.069-011a
SSA.2020.069-012a
SSA.2020.069-013a
SSA.2020.069-014a
SSA.2020.069-015a
SSA.2020.069-016a
SSA.2020.069-017a
SSA.2020.069-018a
SSA.2020.069-019
SSA.2020.069-020
SSA.2020.069-21

MOBILE CLASSROOM DRAWING Nos.
SSA.2020.069-024

SITE PLANS DRAWING Nos.
SSA.2020.069-008b
SSA.2020.069-009a
SSA.2020.069-022b
SSA.2020.069-023b

Reason: To define the terms of this permission and for the avoidance of doubt

3. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing SSA.2020.069-008A.

   Reason: To ensure conformity with submitted details and in accordance with saved policy TP6 of the Amber Valley Borough Local Plan 2006.

4. Other than for the demolition of the demountable classroom, no other development hereby permitted shall commence on the site prior to the submission to, and approval in writing by, the Local Planning Authority of a construction management plan. The approved plan shall be adhered to throughout the remainder of the construction period.

   Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

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5. Other than for the demolition of the demountable classroom, no other development hereby permitted shall commence until;

   a) a scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
   b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

   The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

   Reason: To ensure the development is mitigated against Coal Mining Risk in accordance with saved policy EN18 of the Amber Valley Borough Local Plan 2006.

6. Prior to the occupation of the development, or it being taken into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

   Reason: To ensure the development is mitigated against Coal Mining Risk in accordance with saved policy EN18 of the Amber Valley Borough Local Plan 2006.

7. Other than demolition works, no other development shall commence on the site until further details of surface and foul water drainage arrangements have been submitted to and been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the development shall not be occupied before the approved drainage details have been provided or else they have been provided in accordance with any variations to them that have otherwise been approved in writing by the Local Planning Authority.

   Reason: To ensure an acceptable foul and surface water drainage solution is provided to serve the proposed development.

8. The development shall be carried out in accordance with the bat mitigation and compensation measures outlined in section 6 Bat Mitigation Strategy of the Bat Survey Update 2021 report prepared by BJ Collins dated January 2022. unless varied by a European Protected Species licence subsequently issued by Natural England, a copy

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

9. The development shall be carried out in strict accordance with the mitigation measures outlined in section 5 Conclusion and Recommendations of the 2021 and 2022 Badger Surveys report prepared by BJ Collins dated January 2022

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

10. Other than for the demolition of the demountable classroom, no other development hereby permitted, including preparatory works shall commence until a scheme for the creation of suitable alternative nesting sites for house martins along with a timetable for the provision of such measures, has been 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 interest of ecology in accordance with saved policy EN13 of the Amber Valley Borough Local Plan 2006.

11. Other than for the demolition of the demountable classroom, no development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured.

    Reason: In the interest of archaeology in accordance with saved policy EN27 of the Amber Valley Borough Local Plan 2006.

12. a) Other than for the demolition of the demountable classroom, no development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved by the Local Planning Authority in writing.

    b) Other than for the demolition of the demountable classroom, no development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

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c) Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.

Reason: In the interest of archaeology in accordance with saved policy EN27 of the Amber Valley Borough Local Plan 2006.

13. a) Other than for the demolition of the demountable classroom, 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
(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.

14. Other than for the demolition of the demountable classroom, no other development hereby permitted shall commence on the site prior to the submission to, and approval in writing by, the Local Planning Authority of full details of replacement tree planting. This shall include an up-to-date Arboricultural Impact Assessment, tree protection plans and appropriate method statements (as per section 5 & 6 of BS5837:2012). The agreed scheme shall be implemented in full in the first available planting season following completion of the development or within 1 year of occupation whichever is the sooner.

    Reason: In the interest of retaining and protecting trees in accordance with Saved Policy EN9 of the Amber Valley Borough Local Plan 2006.

15. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (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) or development relating to Class A of Part 2 of Schedule 2 (erection of walls, fences, enclosures) 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 of the Adopted Amber Valley Borough Local Plan 2006.

16. Other than for the demolition of the demountable classroom, no other development shall take place above ground level until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and **** of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths/bridleways

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

3 No work to the buildings or structures shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing
by the Local Planning Authority. No works to the buildings or structures shall be carried out between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

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

5 There is a 90mm and 63mm water main in the application site. No build over is permitted. The applicant, Developer or site agent will need to submit a Diversion Application (S185) along with the proposed plans for STW to assess as detailed below:

To request a water map please follow the link, https://www.stwater.co.uk/building-anddeveloping/estimators-and-maps/request-a-water-sewer-map/ scroll down the page to view the link:
Please visit www.digdat.co.uk(opens in a new window).

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You will need to register on the website and then be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide(opens in a new window).

Please look at the district area supply plan (PDF)(opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.
https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-aSevern-Trent-Water-main.pdf

Information on diversion application charges can be found at: https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf

6 In respect of condition 11 and 12, the recommended scope of the conditioned works is as follows:

- An initial Pre-start level 2 Building recording of the Head Quarters building ground floor, first floor and roof space, as well as a level 2 survey of the Train Shed and the Workshops will provide baseline data. From this we will then be able to identify whether in-conversion archaeological monitoring and building recording will be required. Subsequent requirements can be specified out in Addenda to the WSI.

- Archaeological monitoring and recording of groundworks. This is so that any of the archaeological evidence uncovered relating to the previous development and use of the site can be both recorded and integrated into a phased narrative of the development of the building.

The WSI for this should clearly identify how an archaeological strategy would be enacted during any remediation works.

A single WSI could be submitted to address both conditions

7 The existing buildings on the site may be partially constructed of asbestos-containing materials (ACMs) and, as such, must be carefully handled during demolition and alteration. Demolition activities, including the handling of asbestos containing

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materials, are regulated by Building Control under the Building Regulations and by the Health and Safety Executive (HSE), so further advice should be sought from them.

General advice in relation to the dismantling of a structure containing asbestos or ACMs is to use a registered asbestos removal contractor to ensure that environmental contamination is minimised. Copies of Consignment Notes should be obtained and kept as proof that the
materials have been disposed of at a suitably licensed waste facility. More detailed advice on the safe handling and disposal of ACMs can be found on the Borough Council's website (www.ambervalley.gov.uk/environment/pollution/asbestos/)
If in any doubt, contact Derbyshire Building Control Partnership (0333 880 2000) and the Health & Safety Executive (0300 003 1747) for advice prior to demolition works commencing.

8 The Field is a private, unadopted road owned by Derbyshire County Council Countryside Service. The bridge over the old railway line is an issue, it has a 7.5t TRO in place. Using this route for access during construction is not an option with the bridge in its current condition for anything exceeding 7.5t.

There is an alternative access route to the site from Hassock Lane North via Pit Lane and along Woodside Bridleway, but that will require the developer to apply for a formal closure of the bridleway, liaise with DCC staff at Shipley Visitor Centre with regards to the locked barriers and padlocks and provide banksmen to escort EVERY HGV movement along the bridleway both in and out whilst still maintaining the barriers to prevent unauthorised vehicle access. The main concern with using this route is public safety, it is a very busy route for walkers and equestrians and even if it is formally closed people will still try to use it. The developer would also need to maintain the bridleway and reinstate back to its current condition upon completion.

9 In respect of condition 4, The plan/statement shall include but not be restricted to:

Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
Advisory routes for construction traffic;
Any temporary access to the site;
Locations for loading/unloading and storage of plant, waste and construction materials;
Method of preventing mud and dust being carried onto the highway;
Arrangements for turning vehicles;
Arrangements to receive abnormal loads or unusually large vehicles;
Highway Condition survey;

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Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

10 In respect of condition 7, The submitted surface and foul water drainage details shall include the following information -

- Details confirming surface and foul water connection arrangements from all proposed development to the existing public sewer system.
- Details of the capacity and location of proposed attenuation arrangements including swales and SUDS arrangements.
- Details of proposed impermeable areas, surface water discharge rates and storage volumes.

11 In respect of Condition 11, The Written Scheme of Investigation shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

12 In respect of condition 12, The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
2. The programme and provision to be made for post investigation analysis and reporting;
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

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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:

LS3 - Design
H5 - Housing development outside settlements
LS1 - Sustainability criteria
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN2 - Green Belt
LS2 - Community Safety
LS3 - Design
LS4 - Accessibility
LS5 - Section 106 Agreements
H10 - Urban affordable housing
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN9 - Landscape Features
EN13 - Nature Conservation
EN16 - Pollution
EN15 - Development and Flood Risk
EN18 - Derelict, Unstable And Contaminated Land
EN27 - Conservation Areas

In detail:

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.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 39 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.