



Julian Townsend
Executive Director (Operations)
Development Management

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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/0317**) which was valid on the 30 March 2020 for permission for **Reserved matters application following the approval of AVA/2018/0978 for 37 dwellings at Land South Of Wingfield Road Alferton**

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 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.

2. The development shall be undertaken in accordance with the following:

Date : 24 August 2020

Signed

A handwritten signature in black ink, appearing to read 'Julian Townsend', is written over a white background.

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P 102 T - Proposed site plan
Proposed Road Layout FW1822-H-800 Rev A4
Proposed Vehicle Tracking FW1822-H-801 Rev A3
Proposed Junction Layout FW1822-H-850 Rev A2

Landscape General Arrangement 2021_L01 Rev P00
Soft Landscape Plan Area A 2021_L02_A Rev P00
Soft Landscape Plan Area B 2021_L02_B Rev P00
Soft Landscape Plan Area C 2021_L02_C Rev P00
Soft Landscape Plan D Area C 2021_L2_D Rev P00

2445-2B4P Detached
2445-2B4P - Semi-detached 1
2445-2B4P Semi-detached 2
2445-3B5P Semi C
2445-4B8P Detached 1 D
2445-4B8P Detached 2B
2445 - Flats 2A
2445 - Flats 3A
2445 - Terrace A1
2445 - Terrace 2

Reason: To define the terms of the permission.

3. Prior to any of the works on the external elevations/roof of the building(s) are commenced, samples of the materials and finishes to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the completed development in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. Works on the hereby approved building(s) and land shall be undertaken in accordance with the specified finished floor levels and land levels as shown on drawings FW1822-H-800 Rev A4. Any alterations to this shall be subject to the written approval of the Local Planning Authority prior to the commencement of work.

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

5. The boundary treatment shall be installed in accordance with the details specified in the planning application documents.

Prior to any building hereby permitted being occupied/brought into use, the boundary treatment for that building(s) shall be installed and completed in accordance with the specified details.

Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

6. The soft landscaping shall be implemented in accordance with the details specified in the planning application documents listed in condition 2.

Before the end of the first planting season following occupation/first use of any part of the development hereby permitted all soft landscaping shall be carried out and completed in accordance with the specified soft landscaping details.

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 LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to the commencement of development all existing trees shown on the approved plan to be retained shall be fenced off to the limit of their branch spread in accordance with BS 5837. No works including: i. removal of earth; ii. Storage of materials; iii. vehicular movements or; iv. siting of temporary buildings or structures, shall be permitted within these protected areas. These tree protection measures shall remain in place until the development is completed.

Reason: To prevent unnecessary damage to existing trees in accordance with policies LS3, H12 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

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8. As per the Arboricultural Impact Assessment Jon Coe Tree Services Ltd 19th March 2020 the ash tree (Tree 18) shall be retained as a dead snag.

Reason: In the interests of ecological value in accordance with saved policies EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. The Ecological Enhancements Strategy Absolute Ecology February 2020 shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.

Reason: To provide opportunities to achieve a net gain for wildlife in line with the National Planning Policy Framework and saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

10. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interests of highway safety in accordance with saved policies EN16 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

11. No development shall take place until full construction details of the residential estate road(s) and footway(s) including layout (generally in accordance with revised application drawing number FW1822-H-800 Rev A4), levels, gradients, surfacing and means of surface water drainage, have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter be constructed in accordance with the approved details unless otherwise agree in writing by the Local Planning Authority.

Reason: This is a pre-commencement of works condition in the interest of highway safety in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

12. Vehicular access to the site shall be via the proposed access approved under AVA/2018/0978 and to this effect any other existing access shall be formally closed in accordance with a scheme first submitted to and approved by the Local Planning Authority.

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

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13. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with Condition 11 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with saved policies TP1 and EN15 of the Adopted Amber Valley Borough Local Plan 2006.

14. Prior to the drives/accesses/shared drives being taken into use, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the drives/accesses/shared drives onto the proposed adopted highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such the

Reason: In the interests of highway safety in accordance with saved policies TP1 and EN15 of the Adopted Amber Valley Borough Local Plan 2006.

15. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interests of highway safety in accordance with saved policies TP1 of the Adopted Amber Valley Borough Local Plan 2006.

16. No dwelling shall be occupied until access has been formed to the new estate street, provided with 2m x 33m visibility sightlines, the area in advance maintained free from any objects exceeding 1m in height (600mm if vegetation) relative to the adjacent carriageway channel level, and 2no 2m x 2m x 45° pedestrian intervisibility splays - the area in advance maintained free from any objects exceeding 600mm.

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Reason: In the interests of highway safety in accordance with saved policies TP1 of the Adopted Amber Valley Borough Local Plan 2006.

17. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for car parking, minimum 2.4m x 5.5m (widened by 0.5m on either side if bounded by wall/fence/ etc).

Reason: In the interests of highway safety in accordance with saved policies TP6 of the Adopted Amber Valley Borough Local Plan 2006.

18. The garages/parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of highway safety in accordance with saved policies TP6 of the Adopted Amber Valley Borough Local Plan 2006.

20. There shall be no gates or barriers within 5m of the proposed highway boundary and any such gates shall open inwards only.

Reason: In the interests of highway safety in accordance with saved policies TP1 of the Adopted Amber Valley Borough Local Plan 2006.

21. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

Reason: In the interests of highway safety in accordance with saved policies TP1 of the Adopted Amber Valley Borough Local Plan 2006.

22. No part of the development served by a 'shared private drive' shall be occupied until details of arrangements for temporary storage of bins on collection days, located immediately adjacent to the proposed adopted highway, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

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Reason: In the interests of highway safety in accordance with saved policies TP1 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

- 1 The applicant is reminded that the conditions attached to the substantive outline planning permission, reference AVA/2018/0978 are also relevant.
- 2 The applicant is advised to incorporate the provision of 32mm water riser in the hereby approved development in the interests of safety for future occupiers or users of the building.
- 3 The applicant is advised to incorporate solar panels, where appropriate, and the installation of car charging infrastructure.
- 4 The Highway Authority advise as follows:

i. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

ii. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

iii. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

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Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

iv. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 538658).

v. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

vi. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).

vii. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

- 5 The applicant is reminded of the terms of the Section 106 Agreement which relates to this site.

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Reasons for Granting Permission

In granting permission for this development the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

LS1 - Sustainability criteria
LS2 - Community Safety
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN15 - Development and Flood Risk
EN8 - Landscape Features

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 or extinguishment of the right of way has been made and confirmed.