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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/2020/0715**) which was valid on the 12 August 2020 for permission for **Construction of detached dwelling and associated access at The Willows 52 Heanor Road Codnor**

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 development hereby permitted shall be carried out only in accordance with the details and specifications shown on amended plan 201 Rev B and Location/Block plan 202 Rev C.

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

3. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a dropped crossing arrangement. The access once provided shall be so maintained at all times.

   **Reason**: In the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan 2006.

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 47 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 1.0m (0.6m if vegetation) above the level of the adjacent carriageway channel level.

   **Reason**: In the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan 2006.

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Block Plan, Location Plan, Site Layout drawing number 1155 202 Rev C. Thereafter the onsite parking provision shall be so maintained in perpetuity.

   **Reason**: In the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan 2006.

6. The access, the subject of condition 3 above, shall not be taken into use until 2m x 2m x 45º pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

   **Reason**: In the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan 2006.

7. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and

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manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

**Reason**: In the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan 2006.

8. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste 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.

   **Reason**: In the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan 2006.

9. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

   **Reason**: In the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan 2006.

10. a) Within 28 days of the date of this permission a scheme of tree protection works shall be submitted to and agreed in writing by the Local Planning Authority.
    b) Within 7 days of the tree protection works being agreed those tree protection works shall be fully installed on site in accordance with the agreed details and shall remain in place throughout the development.

    **Reason**: To ensure appropriate tree protection in accordance with policy EN8 of the Adopted Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no windows (other than those approved by this permission) shall be formed on the northern side elevation of the hereby approved development without the prior written approval of the Local Planning Authority.

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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.

12. a) Prior to construction work above ground being commenced, details of any hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: i. proposed finished levels and contours; ii. means of enclosure; iii. car parking layouts; iv. other vehicle and pedestrian access and circulation areas; v. hard surfacing materials.
b) Prior to occupation/first use of the development hereby permitted all hard landscaping shall be carried out and completed in accordance with the approved details.

**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, EN8 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. a) Prior to construction work above ground being commenced, details of any soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: i. planting plans; ii. written specifications (including cultivation and other operations associated with tree/plant and grass establishment); and iii. schedules of trees/plants (to include a replacement tree for the removed Birch tree to the site frontage), noting species, sizes and proposed numbers/densities where appropriate.
b) 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 approved soft landscaping details.
c) 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 EN8 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

14. The construction of the dwelling shall be completed in strict accordance with the mitigation measures set out in the Intrusive Ground Investigation Report dated

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November 2017, prepared by H.M. Chambers and Partners, submitted with the application.

**Reason**: To ensure that risks in terms of ground stability matters associated with former coal mining activity are mitigated appropriately in accordance with Policy EN18 of the Adopted Local Plan 2006.

15. No development shall take place until:
A satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what, if any, ground gas protection measures may be required.
or
details of appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation have been submitted to the Local Planning Authority.
The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, should be carried out or assessed in accordance with the guidance contained in BS8485:2015 "Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings".

**Reason**: Since the site has been identified as being potentially at risk from offsite ground gases and to protect human health and buildings in accordance with policy EN18 of the Adopted Local Plan 2006.

**Notes**

**Attention is drawn to the attached notes:**

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website https://www.derbyshire.gov.uk/transport-roads/roads-traffic/development-control/agreements/planning-and-highways-agreements.aspx, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190

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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
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
EN15 - Development and Flood Risk
EN18 - Derelict, Unstable And Contaminated Land
EN8 - Landscape Features
TP1 - Impact on the Transport Network

**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, sunlight/daylight, character and design, landscape or heritage features and highway safety.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

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**NOTES**

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

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

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

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