Julian Townsend
Executive Director (Operations)
Development Management

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Mr & Mrs Faloon
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20 Bath Street
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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/2016/1155**) which was valid on the 9 November 2016 for permission for **Proposed dwelling with parking for 2 cars via existing access (This is contrary to the provisions of the Development Plan) at Land Adjoining No 8 Derby Road Ambergate**

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 shall be carried out in accordance with the details contained in the submitted plans and documents listed below:

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Planning Application Form received 9 November 2016;
Flood Risk Assessment dated April 2017 received 12 April 2017;
Sequential Test and Exceptions Test dated October 2016 received 9 November 2016;
Heritage Impact Assessment Report dated November 2016 received 9 November 2016;
Design and Access Statement dated 1 November received 9 November 2016;
Site Location Plan received 16 November 2017;
Proposed Plans drawing no. 0443.P.0101 Rev B received 3 May 2017;
Proposed Elevations drawing no. 0443.P.0102 rev B received 3 May 2017; and,
Levels and groundworks diagram drawing no. 0443.0103A received 3 May 2017;

Reason : In order to define the permission.

3. No development shall take place to the external walls of the hereby approved development 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, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to the occupation of the hereby approved development full details of the proposed treatment of the boundary(ies) of the site shall be submitted to and approved 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 saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking and re-enacting that Order) no development relating to Class A of Part 1 of Schedule 2 (erection of extensions) shall be undertaken without the prior written approval of the Local Planning Authority.

   Reason : To protect the character and visual amenities of the locality and having regard to flood risk in accordance with saved policies LS3, H12 and EN15 of the Adopted Amber Valley Borough Local Plan 2006.

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6. Prior to the occupation of the hereby approved development a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority. 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 saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), April 2017/86282-Strawbridge-DerbyRd/prepared by Unda Consulting Limited, and the following measures detailed within the FRA:

   1. Finished floor levels are to be set no lower than 67.67m above Ordnance Datum (AOD).
   2. Volumetric compensation is to be provided in order to compensate any loss of Flood Zone 3.

   Reason : To reduce the risk of flooding to the proposed development and future occupants; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

8. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall include:

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- Parking of vehicles of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

Reason: This is a pre-commencement condition in the interests of highway safety in accordance with saved policies H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

9. Before any other operations are commenced, the existing access to Derby Road shall be modified in accordance with details first to be submitted and approved, in writing, by the Local Planning Authority in consultation with the Highway Authority laid out, constructed and provided with visibility splays of 2.4m x 47m in both directions. the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

   Reason: This is a pre-commencement condition in the interests of highway safety in accordance with saved policies H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

10. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with a plan first to be submitted and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority for cars to be parked. The spaces provided shall be maintained clear of obstruction to their designated use for the life of the development.

    Reason: In the interests of highway safety in accordance with saved policies H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

11. There shall be no gates or other barriers on the access/driveway.

    Reason: In the interests of highway safety in accordance with saved policies H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

12. The proposed access/driveway to Derby Road shall be no steeper than 1:12 over its entire length.

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Reason: In the interests of highway safety in accordance with saved policies H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

13. No work shall commence until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

    Reason : This pre-commencement condition is required to safeguard the privacy and amenities of the occupiers of adjoining properties and to reduce the risk of flooding to the proposed development and future occupants in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

14. The hereby approved south facing velux windows serving bedroom one and bedroom 3 shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed, unless otherwise agreed in writing with the Local Planning Authority.

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

15. Notwithstanding the hereby approved plans, prior to occupation of the hereby approved dwelling a scheme for the screening of the balconies (on the north and south elevations) shall be submitted to and approved in writing with the Local Planning Authority. The screening shall be erected in accordance with the approved scheme and maintained in perpetuity for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.

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

Notes

Attention is drawn to the attached notes:

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1 Under the Environmental Permitting (England and Wales) Regulations 2010, any permanent or temporary works in, over or under a designated main river will require an Environmental Permit for Flood Risk Activities from the Environment Agency.

Any permanent or temporary works within 8 metres of the top of bank of a designated main river, or landward toe of a flood defence may require an Environmental Permit for Flood Risk Activities from the Environment Agency. In addition, any permanent or temporary works within the floodplain of a designated main river may also require an Environmental Permit for Flood Risk Activities.

Some flood risk activities are also now excluded or exempt. To register an exemption please contact our National Customer Contact Centre at enquiries@environment-agency.gov.uk or by calling 03708 506 506. Forms and associated guidance for submitting an application can be found at the link below:

https://www.gov.uk/guidance/flood-risk-activities-environmental-permits
The Environment Agency Main Rivers Map can be found at the following link:
http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683&y=355134&scale=1&layerGroups=default&ep=map&textonly=off&lang=_e&topic=mainrivers
Please note that a permit is separate to and in addition to any planning permission granted.

2 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 & Communities 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 http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

3 The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

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4 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.

5 Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

6 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

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In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

7 With regards to condition 15, the applicant is advised that the screening shall be no lower than 1.8m in height and of a dense opaque material sufficient to maintain neighbouring residential amenity.

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:

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LS1 - Sustainability criteria
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
EN8 - Landscape Features
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN18 - Derelict, Unstable And Contaminated Land
EN29 - Derwent Valley Mills World Heritage Site

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 186 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, sunlight/daylight, 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. **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.**
3. **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.**
4. **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.**
5. **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

6. **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.**
7. **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.**
8. **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".**
9. **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.**
10. **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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