Julian Townsend
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr C Eaton
7A Main Road
Lower Hartshay
Ripley
Derbyshire
DE5 3RO

Mr Ryan Johnson
Green 2K Design Ltd
First Floor
Thomas Henry House
1 - 5 Church Street
Ripley
DE5 3BU

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/2020/1019**) which was valid on the 27 October 2020 for permission for **Variation of condition 2 of AVA/2020/0518 to allow for revised site layout plan with revised finished floor level. Finished floor level increase to suit site conditions / retaining arrangement at Ridgeway Quarries Crich Lane Ridgeway**

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 the original permission AVA/2020/0518.

   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:

   Planning application form
   1556 100 Block and Location Plans

Date : 2 December 2020 Signed

Julian Townsend
Executive Director (Operations)

1556 101 Rev E Proposed Site Layout
1556 102A Plot 1 Layouts
1556 103 Rev B Plot 1 Elevations
1556 104A Plot 2 Layouts
1556 105 Rev B Plot 2 Elevations

Reason: To define the terms of the permission.

3. Prior to mobilisation of construction vehicles and the site compound on the site the Tree Protection measures as per Site Layout drawing no. 101 Rev C in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction shall be implemented in full and maintained as such throughout the construction process.

   Reason: To safeguard the trees in the interests of visual and ecological amenity value in accordance with saved policies EN8, LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. Throughout construction space shall be provided within the site curtilage for storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs approved under discharge of condition request COND/2020/0030 and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

   Reason: In the interests of highway safety in accordance with saved policies EN16, TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on proposed site layout drawing number 1550 101 REV E have been implemented in full.

   Reason: In the interests of highway safety in accordance with saved policies H12, TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the proposed site layout drawing number 1550 101 REV C. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Date : 2 December 2020 Signed

Julian Townsend
Executive Director (Operations)

Reason: In the interests of highway safety in accordance with saved policies H12, TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

7. The development shall be undertaken in accordance with the Site Investigations and Gas Monitoring Reports approved under office code COND/2020/0136.

   Reason: 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 178 and 179 of the National Planning Policy Framework and saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

8. If any part of the site is to be raised or filled using materials brought from outside the application site, the developer shall provide documentary evidence that all such materials are free from levels of contamination that would be in excess of current appropriate standards. In the event that no such evidence is available, the materials shall be subjected to adequate chemical or other testing to demonstrate that the materials are suitable for their intended final use. All documentary evidence and/or sampling methodology and testing results shall be submitted to and agreed in writing by the Local Planning Authority prior to any material being brought onto site. No such materials shall be imported without prior approval.

   Reason: The importation of contaminated materials may result in the need for remediation works at a later date if the land is subsequently identified as contaminated land under the terms of Part IIA of the Environmental Protection Act 1990.

9. Prior to any construction above foundations level, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the incorporation of integrated (inbuilt) features for roosting bats and nesting swifts within the new buildings. The enhancement scheme 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.

10. The existing boundary treatments shall be retained. Prior to occupation of the hereby approved dwellings, full details of the proposed treatment of the boundaries between the two plots of the site shall be submitted to and approved by the Local Planning

Date : 2 December 2020 Signed

Julian Townsend
Executive Director (Operations)

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 policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

11. The development shall be constructed in accordance with the materials specified on Part 7 of the Planning application form comprising Natural Birchover stone and Ibstock Ivanhoe cottage blend facing bricks, Marley Eternit greystone plain roof tiles and timber doors and windows.

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

12. Prior to occupation of the hereby approved dwellings, a landscaping scheme shall be submitted to and be approved by the Local Planning Authority. Any trees or plants shall be planted in accordance with the agreed landscaping scheme in the first planting season and any trees/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 policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A of Part 1 of Schedule 2 (the enlargement, improvement or other alteration of a dwellinghouse) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason: To protect the character and visual amenities of the Green Belt in accordance with policies LS3 and EN2 of the Adopted Amber Valley Borough Local Plan 2006.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that

Date : 2 December 2020 Signed

Julian Townsend
Executive Director (Operations)

Order) no development relating to Class E of Part 1 of Schedule 2 (curtilage buildings) shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: To protect the character and visual amenities of the Green Belt in accordance with policy LS3 and EN2 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/2020/0518 are also relevant.

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
LS4 - Accessibility
EN8 - Landscape Features
EN9 - Landscape Features
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN17 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
H5 - Housing development outside settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking

Date : 2 December 2020 Signed

Julian Townsend
Executive Director (Operations)

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

Date : 2 December 2020 Signed



Julian Townsend
Executive Director (Operations)

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.**

pe