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

Harron Homes Ltd And Waystone Developments Ltd
C/o Agent

Mr Chris Dwan
DLP Planning Ltd
1 East Circus Street
Nottingham
NG1 5AF

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/2020/0764**) which was valid on the 18 August 2020 for permission for **Reserved matters sought in relation to appearance, landscaping, layout and scale of the delivery of 232 residential dwellings.**
Original application was an Environmental Impact Assessment application and an Environmental Statement was submitted with the application at American Adventure Theme Park Pit Lane 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 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 hereby permitted shall be carried out only in accordance with the details and specifications shown on the following drawings unless otherwise required by another condition of this permission:

Date : 15 December 2020 Signed

Julian Townsend
Executive Director (Operations)

Architectural Drawings
348_001_Rev N Site Layout
348_002_Rev E R1 Site Layout
348_003_Rev K R2 Site Layout
348_004_Rev H R3 Site Layout
348_005_Rev H R1 Materials Plan
348_006_Rev F R1 External Materials Plan
348_007_Rev J R2 Materials Plan
348_008_Rev H R2 External Materials Plan
348_009_Rev H R3 Materials Plan
348_010_Rev H R3 External Materials Plan
9283-L-01 Rev D On Plot Landscape Proposals
9283-L-02 Rev D On Plot Landscape Proposals
348-501-Rev A R1 Proposed Floor Levels
348-502-Rev A R2 Proposed Floor Levels
348-503-Rev A R3 Proposed Floor Levels

House Types - Contemporary

348_C-AD-PD rev B	Contemporary Style Alderton
348_C-BB-PD Rev A	Contemporary Style Baybridge
348_C-BH-PD1	Contemporary Style Berkhamsted Plans
348_C-BH-PD2 Rev A	Contemporary Style Berkhamsted
348_C-BW-PD Rev B	Contemporary Style Birkwith
348_C-DU-PD1	Contemporary Style Dunstanburgh Plans
348_C-DU-PD2 Rev A	Contemporary Style Dunstanburgh
348_C-ED-PD1 RevA	Contemporary Style Edlingham Plans
348_C-ED-PD2 Rev A	Contemporary Style Edlingham
348_C-HH-PD1	Contemporary Style Hedingham Plans
348_C-HH-PD2 Rev A	Contemporary Style Hedingham
348_C-KE-EW-PD1	Contemporary Style Kenilworth + Extra Windows Plans
348_C-KE-EW-PD2 Rev A	Contemporary Style Kenilworth + Extra Windows
348_C-ND1-PD Rev B	Contemporary Style Nidderdale + Extra Windows
348_C-ND-PD Rev B	Contemporary Style Nidderdale
348_C-SAv1-PD Rev A	Contemporary Style Salcombe V1
348_C-SEv1-PD Rev A	Contemporary Style Settle V1
348_C-TO-PD Rev A	Contemporary Style Tonbridge

Date : 15 December 2020 Signed

Julian Townsend
Executive Director (Operations)

348_C-TO1-PD Rev A	Contemporary Style Tonbridge + Extra Windows
348_C-WD-PD Rev A	Contemporary Style Windsor
348_C-WW-PD1 Rev A	Contemporary Style Warkworth Plans
348_C-WW-PD2 Rev A	Contemporary Style Warkworth

House Types - Modern

348_M_AD_PD RevA	Modern Style Alderton
348_M_BA_PD2 Rev A	Modern Style Bamburgh
348_M_BB_PD Rev A	Modern Style Baybridge
348_M_BB_R_PD Rev A	Modern Style Baybridge Render
348_M_BH_PD1 Rev A	Modern Style Berkhamsted Elevs
348_M_BH_PD2	Modern Style Berkhamsted Plans
348_M_BW_PD Rev A	Modern Style Birkwith
348_M_BW_EW_PD Rev A	Modern Style Birkwith + Extra Windows
348_M_DU_PD1	Modern Style Dunstanburgh Plans
348_M_DU_PD2 Rev A	Modern Style Dunstanburgh Elevs
348_M_ED_PD1	Modern Style Edlingham Plans
348_M_ED_PD3 Rev A	Modern Style Edlingham Elevs
348_M_EDR_PD2 Rev A	Modern Style Edlingham Render
348_M_HA_PD Rev A	Modern Style Hadleigh
348_M_HH_PD1	Modern Style Hedingham Plans
348_M_HH_PD2 Rev A	Modern Style Hedingham Elevs
348_M_KE_PD1	Modern Style Kenilworth Plans
348_M_KE_PD2 Rev A	Modern Style Kenilworth Elevs
348_M_ND_PD Rev A	Modern Style Nidderdale
348_M_ND_EW_PD Rev A	Modern Style Nidderdale + Extra Windows
348_M_ND_EW_R_PD Rev A	Modern Style Nidderdale + Extra Windows + Render
348_M_PO_PD1	Modern Style Porchester Plans
348_M_PO_PD2 Rev A	Modern Style Porchester Elevs
348_M_SAv0_PD Rev A	Modern Style Salcombe V0
348_M_SAv1_PD1 Rev A	Modern Style Salcombe V1 Elevs
348_M_SAv1_PD2	Modern Style Salcombe V1 Plans
348_M_SAv1_R_PD1 Rev A	Modern Style Salcombe V1 Render
348_M_SEv0_ PD1	Modern Style Settle V0 Plans
348_M_SEv0_ PD2 Rev A	Modern Style Settle V0 Elevs
348_M_SEv1_ PD1 Rev A	Modern Style Settle V1 Elevs
348_M_SEv1_ R_PD1 Rev A	Modern Style Settle V1 + Render Elevs
348_M_SEv1_PD2	Modern Style Settle V1 Plans
348_M_TO_PD Rev A	Modern Style Tonbridge

Date : 15 December 2020 Signed

Julian Townsend
Executive Director (Operations)

348_M_TO_EW_PD Rev A	Modern Style Tonbridge + Extra Window
348_M_WD_PD Rev A	Modern Style Windsor
348_M_WD_R_PD Rev A	Modern Style Windsor + Render
348_M_WW_PD1	Modern Style Warkworth Plans
348_M_WW_PD2 Rev A	Modern Style Warkworth Elevs
348_M_WW_R_PD2 Rev A	Modern Style Warkworth + Render Elevs
348_M_WW_EW_PD1	Modern Style Warkworth Plans
348_M_WW_EW_PD2 Rev A	Modern Style Warkworth + Extra Window Elevs

Garages

M_G1_PD	Modern Style Garage
C_G1_PD	Contemporary Style Garage

Reason: To define the terms of the permission.

3. Notwithstanding the Materials Layout Plans submitted prior to any of the works on the external appearance of the hereby approved dwellings 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 and maintained as such in perpetuity.

   Reason: To ensure a satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN2 of the Adopted Amber Valley Borough Local Plan 2006.

4. 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 on the Site Layouts R1, R2, R3 384-001 Rev L and the External Materials Plot R1 348-006 Rev F, External materials Plot R2 348-008 Rev H and External materials Plot R3 348-010 Rev H and maintained as such in perpetuity.

   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 LS2, LS3 EN2 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 15 December 2020 Signed

Julian Townsend
Executive Director (Operations)

5. The dwellings shall be constructed in accordance with the finished floor level drawings 348-501-Rev A R1 Proposed Floor Levels, 348-502-Rev AR2 Proposed Floor Levels and 348-503-Rev A R3 Proposed Floor Levels.

   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.

6. Notwithstanding the On Plot Landscape Proposals submitted 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, noting species, sizes and proposed numbers/densities where appropriate.

   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.

   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, H12, EN2, EN3, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other revoking and re-enacting that Order), for Plots 1, 2, 26, 27, 28, 30, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48 in R1 no development relating to Class A, B, C, D, E, F, G and H of Part 1 of Schedule 2 (enlargement, improvement or other alterations of a dwellinghouse; an addition or alteration to its roof; any other alteration to the roof of a dwellinghouse; the erection of a porch outside any external door of a dwellinghouse; the erection of curtilage buildings; a hard surface within the curtilage of a dwellinghouse; the installation, alteration or replacement of a chimney, flue or soil or vent pipe or a microwave antenna on a dwellinghouse) and Class A of Part 2 of Schedule 2 (erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other

Date : 15 December 2020 Signed

Julian Townsend
Executive Director (Operations)

means of enclosure) 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 , H12 and EN2, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

8. 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 2 of Schedule 2 (erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) shall be undertaken without the prior written approval of the Local Planning Authority for Plots 1, 13, 14, 26, 27, 28, 29, 30, 34, 35, 36, 37, 38, 39, 42, 43, 46, 47, 48 (dwellings in R1).

   Reason: To protect the character and visual amenities of the locality in accordance with policies LS3, H12 and EN2 of the Adopted Amber Valley Borough Local Plan 2006.

9. The bird and bat boxes specification and locations (as set out on the Materials R1, R2 and R3 drawings Revision H) shall be implemented in full and maintained as such in perpetuity throughout the life of the development.

   Reason: This is a pre-commencement of development condition in the interests of ecological protection and enhancement in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

10. 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 'Site Layouts R1, R2, R3' number 348-01 M), 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: In the interests of highway safety in accordance with saved policies TP1 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

11. No dwelling shall be occupied until permanent vehicular access to the site has been provided via Pit Lane and the Spine Road only, approved under AVA/2019/1139 & AVA/2020/0267.

Date : 15 December 2020 Signed



Julian Townsend
Executive Director (Operations)

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

12. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with Condition 3 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 H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. Prior to the commencement of the development 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 thereafter.

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

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

Date : 15 December 2020 Signed



Julian Townsend
Executive Director (Operations)

15. No dwelling shall be occupied until access has been formed to the new estate street, provided with 2.4m x 25m 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 45º pedestrian intervisibility splays - the area in advance maintained free from any objects exceeding 600mm.

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

16. Notwithstanding the plans submitted car parking spaces for each plot shall meet the minimum dimensions of 5.5m x 2.4m (widened by 0.5m on either side if bounded by wall/fence/ etc) or 3m x 6m if in a garage unless otherwise agreed in writing by the local planning authority.

    No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for car parking and shall be maintained as such in perpetuity.

    Reason: To ensure the parking spaces are of a satisfactory size to accommodate vehicles clear of the highway in the interests of highway safety in accordance with saved policies TP1, TP6 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

17. 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: To ensure adequate parking provisions of vehicles in the interests of highway safety in accordance with saved policies TP1, TP6 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

18. For dwellings that do not have garage provision, prior to occupation of those dwellings, details of secure cycle parking facilities for the occupants shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the relative dwelling hereby permitted and shall thereafter be retained for use at all times.

Date : 15 December 2020 Signed



Julian Townsend
Executive Director (Operations)

Reason: In the interests of sustainability in accordance with saved policies, LS1, H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

20. There shall be no gates or barriers within 5m of the highway boundary.

    Reason: Interests of highway safety in accordance with saved policies TP1 and H12 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 and H12 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 within close proximity 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.

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

23. No dwelling hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

    Reason: In the interests of sustainability and reducing reliance on the private motor vehicle in accordance with saved policies, LS1, H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

24. Prior to first occupation of any dwelling, the dwellings hereby approved shall have provision for electric vehicle charging in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Once provided the charging points shall be retained thereafter.

Date : 15 December 2020 Signed



Julian Townsend
Executive Director (Operations)

Reason: In the interests of sustainability in accordance with saved policies, LS1, TP6, EN35, H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

25. The dwellings the subject of the application shall not be occupied until the proposed accesses onto the Spine Road have been formed in accordance with the application drawings and provided with 2.4m x 43m visibility sightlines, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.

Reason: In the interests of highway safety in accordance with saved policies TP1 and H12 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 are also relevant.

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

3 The applicant is strongly urged to consider any appropriate measures/features, such as EV charging points, to mitigate climate change, having regard to paragraphs 148-154 of the National Planning Policy Framework (NPPF) and to reflect Amber Valley Borough Council's declaration of a Climate Emergency, and to incorporate those measures/features into the development. The inclusion of any such features should be considered in terms of whether they are able to be implemented under the plans and drawings approved under condition [2] of this notice. Please contact the case officer who will be able to advise further.

4 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.

5 Broadband - Assessing the Proposed Development
Currently access to the internet is mainly through the national telephone network infrastructure. Broadband service quality varies across the County and access to superfast broadband speeds in Derbyshire is limited. Improvement to broadband connectivity is identified as a key priority in the County Council's Council Plan 2010 -

Date : 15 December 2020 Signed



Julian Townsend
Executive Director (Operations)

2014. The County Council aims to broaden Derbyshire's economic base and improve economic performance and broadband is essential to this.
The Digital Derbyshire programme is providing access to high speed broadband services for residential and business users. The roll-out applies to existing households and businesses and it should not be assumed that new development will be covered by this intervention. Developers and Local Planning Authorities can help to anticipate the future needs of residents and businesses and prevent having to retrofit properties in the future by providing for the delivery of broadband infrastructure and services as part of the on-site design of their development schemes. New development should be supported by a communications strategy that delivers future-proof infrastructure and supports sustainable communications services.
Mitigation - The County Council suggests that the developer makes separate enquiries with broadband providers and ensures that future occupants have access to sustainable communications infrastructure, giving appropriate thought to the choice and availability of providers which can offer high speed data connections. More information on how to incorporate broadband services as part of the design of new development is available by following the link below:
https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders

6 Further to condition 6 regarding landscaping. The County Landscape Architect advises of the following:

The site will provide harsh conditions for the establishment of trees, it is likely to have a low nutrient substrate to a considerable depth and has been compacted in layers to provide a stable platform for development. Specific details of how these difficulties will be overcome to aid successful establishment and long term viability of tree planting are required for this site rather than a generic specification.

The inclusion of some larger growing trees (specified as POS Landscaping Trees on the drawings) is welcome and important to assimilate the development into the existing woodland. However, they have only been included in occasional places on the periphery of the housing platform and it would be beneficial to design them in and integrate them into the layout rather than occupying left over spaces.

More large growing species are required. Within the existing layout there is scope for larger growing tree species at garden boundary of plots 35 and 38 and the fronts of plots 45-48.

In respect of R3 the rear garden fence of plot 202 is in a prominent position for views across the lake and some native shrub planting beneath the trees opposite the

Date : 15 December 2020 Signed



Julian Townsend
Executive Director (Operations)

driveway would be beneficial. Similarly, the side garden fence to plot 203 would benefit from some native shrub planting. The area to the front of plot 203 is shown as private garden right up to the top of the lake bank. Considers it important that the wildflower verge shown all the way around the rest of the lake frontage is continued here and that this strip is not private garden to ensure that it remains a wildflower verge.

7 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.
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).

Date : 15 December 2020 Signed



Julian Townsend
Executive Director (Operations)

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.

viii. The application site and access road is affected by, and adjacent to numerous Public Rights of Way (Footpath/ Bridleway number FP11, FP33,FP36, FP41, BW5, BW9, BW28, BW38, BW41, BW42 Shipley on the Derbyshire Definitive Map). The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Public Rights of Way Section.

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:

Date : 15 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, character and design, landscape or heritage features and highway safety.

Date : 15 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.**