Julian Townsend
Executive Director (Operations)
Development Management

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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/1178**) which was valid on the 11 December 2020 for permission for **Proposed New Dwellings (Plots 6-10) at All Saints Church Hall Moseley Street Ripley**

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 listed below and with the conditions attached to this consent:

   Planning application form
   Location Plan PA/19-008 EX 81 04
   Site Plan Plots 6-10 PA/19-0008 SK 81 103

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Scheme Design Plots 6-8 PA/19-0008 SK 81 104
Scheme Design Plots 9 & 10 PA/19-0008 SK 81 105
Topographical Survey PA/19-008 EX 81 02
Ivy House Environmental CONSOLIDATION OF POTENTIAL ABANDONED COAL MINE WORKINGS BY DRILLING AND GROUTING - COMPLETION REPORT April 2020 REFERENCE: IV.47.20
Ivy House Environmental PHASE I & II GEO-ENVIRONMENTAL ASSESSMENT March 2020
Ivy House Environmental Remediation Method Statement: 10/11/2020

Reason: In order to define the permission.

3. The development shall be undertaken in strict compliance with the requirements contained within:

(a) the Ivy House Environmental Remediation Method Statement, dated 10/11/2020, ref: IV.47.20 (the 'RMS'). Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.

b) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.

c) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.

d) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.

e) All investigations, assessments and reports must be carried out by a suitably qualified competent person.

Reason: The undertaking of remediation is necessary to ensure that the site is suitable for its proposed use. In order to ensure the safety of the development, in

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accordance with paragraphs 178 and 179 of the National Planning Policy Framework and Policy EN18 of the Adopted Amber Valley Borough Council Local Plan 2006.

4. Prior to the first occupation the new vehicular and pedestrian access shall be created to Moseley Street and Ridgedale View in accordance with Site Plan Plots 6-10 PA/19-0008 SK 81 103, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction, the area in advance of the sightlines being maintained throughout the life of the development 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: In the interests of highway safety as required by policy TP1 of the Amber Valley Borough Local Plan 2006.

5. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: In the interests of highway safety as required by policy TP6 of the Amber Valley Borough Local Plan 2006.

6. The boundary treatment shall be installed in accordance with the details specified in the planning application documents Site Plan Plots 6-10 PA/19-0008 SK 81 103 and no building hereby permitted shall be occupied/brought into use, the boundary treatment for that dwelling shall be installed and completed in accordance with the specified details.

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

7. The construction site compound as shown on drawing number Site Plan Plots 6-10 PA/19-0008 SK 81 103 shall be retained for use throughout the entirety of the construction phase.

   Reason: In the interests of highway safety as required by policy TP6 of the Amber Valley Borough Local Plan 2006.

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8. The development shall be constructed in Ibstock Hardwicke Welbeck Red mixture brick and Redland duo Plain roof tile in charcoal grey as per the Agents email of 4 February 2021 and white upvc windows & french doors with composite steel front entrance doors.

   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.

9. Works on the hereby approved buildings and land shall be undertaken in accordance with the specified finished floor levels and land levels on drawing PA/19/-008 SK 81 101 dated September 2020. Any alterations to this shall be subject to the written approval of the Local Planning Authority prior to the commencement of work. Prior to any building hereby permitted being occupied/brought into use, the finished floor levels of the buildings and any changes to the land levels of the development shall be constructed and completed in accordance with the specified details.

   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.

10. a) Operating hours:

    No [demolition or] construction works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;

    b) Noise and vibration: All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'. Wherever possible, all vehicles shall use broadband reversing alarms in preference to high-pitched tonal alarms to minimise noise nuisance to residents. Where this is not possible, a health and safety risk management system shall be designed to provide an equivalent degree of protection as that provided by the use of audible reversing alarms, for example, by the use of camera systems, banksmen, turning circles etc. in order to minimise the use of tonal alarms. No piling, blasting, dynamic compaction or use of vibrating rollers should occur on the site before notifying the Borough Council's Environment Unit;

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c) Dust/Particulate emissions: No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance by these means is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. The on-site crushing and/or screening of bricks, tiles or concrete must only be conducted under an environmental permit and the Borough Council's Environment Unit must be notified of any such activities at least 7 days prior to their commencement. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any such deposits shall be removed from the highway at least once daily;

d) Waste: No unwanted materials shall be disposed of on site by burning;

e) Lighting: Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

Reason: In the interests of protecting residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to occupation of any hereby approved dwelling, a hard and soft 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 policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 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.

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2 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.

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
LC11 - Community Facilities
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
RNH2 - Other Sites For New Housing Development

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.

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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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