Julian Townsend
Executive Director (Operations)
Development Management

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E12 5PL

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/2020/0929**) which was valid on the 15 October 2020 for permission for **Construction of 4 houses with access drive at Land Between 68 And 128 Hands Road Heanor**

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 received on 16 October 2018 and listed below:

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- Site Location Plan;
- Proposed Block/Ground Floor Plan - 021-P3;
- Proposed Block/First Floor Plan - 022-P2;
- Proposed Block/Roof Plan - 023-P2;
- Proposed Ground Floor Plan - 026-P2;
- Proposed First Floor Plan - 027-P2;
- Proposed Second Floor Plan - 028-P1;
- Proposed Roof Plan - 029-P2;
- Proposed Sections - 030-P2;
- Proposed Side Elevation - 031-P2;
- Proposed Elevations - 032-P2;
- Proposed Front Elevation - 035-P2;
- Proposed Rear Elevation - 036-P2;
- Proposed Front Elevation-Plots 2&3 - 037-P1;
- Proposed Rear Elevation-Plots 2&3 - 038-P1;
- Proposed Ground Floor Plan-Plots 2&3 - 040-P2;
- Proposed First Floor Plan-Plots 2&3-P1;
- Proposed Roof Plan-Plots 2&3-P1;
- Arboricultural Implication Study dated November 2020; and,
- Coal Mining Risk Assessment dated October 2020.

Reason: In order to define the permission.

3. The first floor side (east facing) windows to plots 2 and 3 serving the landing and the first floor side (west facing) windows to plots 2 and 3 serving the bathroom shall be glazed in highly obscured (non see through) glass and be non-opening only 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 window is installed. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

   Reason : To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with saved policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

4. No works shall take place to the external elevations 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.

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

5. The hereby approved development shall not be occupied until full details of the proposed treatment of the boundary(ies) of the site has been 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.

6. Prior to the occupation of the hereby approved development a hard and soft landscaping scheme, including mitigation planting for the lost tree as confirmed in the letter from the applicant dated 2 February 2021, 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 EN8 of the Adopted Amber Valley Borough Local Plan 2006.

7. 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 within the new buildings for roosting bats and nesting swifts. 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.

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Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

8. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with the detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

9. Prior to occupation of the dwellings, a new vehicular and pedestrian access shall be formed to Hands Road in accordance with the approved application drawings and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to nearside carriageway channel level.

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

10. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawings for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, the spaces shall remain free from any impediment to their designated use for the life of the development.

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

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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. No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 178 and 179 of the National Planning Policy Framework.

13. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 178 and 179 of the National Planning Policy Framework.

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Notes
Attention is drawn to the attached notes:

1 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Reasons for 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 relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

LS1 - Sustainability criteria
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
EN8 - Landscape Features
EN13 - Nature Conservation
EN18 - Derelict, Unstable And Contaminated Land
TP1 - Impact on the Transport Network
TP6 - Parking

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.

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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 twelve weeks 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.**