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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/2020/1113**) which was valid on the 23 November 2020 for permission for **Construction of 2no. semi-detached dwellings with associated access and amenity space at Land Off Drovers Way Drovers Way 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 listed below and with the conditions attached to this consent:

   Amended Proposed Layout Plan, Elevations and Floor Plans - drg no 1616 101 Rev A dated November 2020

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Amended Site Location Plan and Block Plan - drg no 1616 102 Rev A dated November 2020

Reason: In order to define the permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A, B, C, D, E of Part 1 of Schedule 2 (erection of extensions, outbuildings, porches and roof alterations) 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 policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no windows (other than those approved by this permission) shall be formed on the first floor north and south elevations of the hereby approved development without the prior written approval of the Local Planning Authority.

   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.

5. The first floor bathroom windows of plots 1 and 2 shall be glazed in highly obscured (non see through) glass and be non-opening. 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 policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

6. No work shall commence to the boundary treatment of the site until full details of the proposed treatment of the boundaries of the site, to include an 800mm high dry stone wall to the front boundary, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

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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 LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to installation, full details and a sample of the roof covering, which shall be either natural slate or natural clay plain tiles, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the roof covering shall be installed fully in accordance with the approved details.

   Reason: To ensure both the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

8. Prior to installation, full details of the facing stone to the walls, including stone type, course depth, block length(s) and surface shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the facing stone shall be installed fully in accordance with the approved details.

   Reason: To ensure both the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to installation and notwithstanding the submitted drawings, the chimneys shall be brick, to include capping detail and pots, full details of which shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the chimneys shall be constructed fully in accordance with the approved details prior to occupation of the hereby approved dwellings and be maintained in perpetuity for the life of the development

   Reason: To ensure both the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

10. Prior to installation precise details of all new windows and doors shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the windows and doors shall be installed fully in accordance with the approved details prior to occupation of the hereby approved dwellings.

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Reason: To ensure both the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to installation and notwithstanding the submitted drawings, full details of the stone heads and sills, including length, depth and bearing dimension and surface finish, shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the stone heads and cills shall be installed fully in accordance with the approved details prior to occupation of the hereby approved dwellings.

    Reason: To ensure both the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

12. Prior to installation full details of the surface finish to the driveway and parking areas shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the surfacing shall be installed fully in accordance with the approved details prior to occupation of the hereby approved dwellings.

    Reason: To ensure both the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

13. No development shall commence until:

    a) i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
    ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
    iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.

    b) The development shall be undertaken in strict compliance with the requirements contained within the approved 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.

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c) 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.

d) 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.

e) 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.

f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the Environment Agency publication Land contamination: risk management
(LCRM).

Reason: This is a pre-commencement of development condition necessary to ensure the site is appropriately de-contaminated as required by Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

14. Prior to occupation of any dwelling, space shall be provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

    Reason: To ensure sufficient off-street parking and manoeuvrability is provided in the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

15. Prior to occupation of any residential dwelling, a landscaping scheme to comprise of mitigation planting consisting of native trees and hedging shall be submitted to and approved in writing 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

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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 compensate for the loss of a tree and to help assimilate the new development into its surroundings in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

16. Prior to any construction works above foundation level, a scheme of biodiversity enhancement based on the measures detailed in section 4.3 of the Preliminary Ecological Appraisal prepared by Weddle Landscape Design dated November 2020 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the installation of integrated (in built) 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: In the interests of securing ecological enhancements as required by Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

17. Throughout the entirety of the construction process the tree protection plan as shown on drawing number DVW03 dated November 2020 shall be implemented and maintained in perpetuity.

    Reason: To ensure no harm to trees to be retained from the construction process, in accordance with Policies EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 With regards to Condition 10, the Borough Council's Conservation Officer will require flush casement window frames to maintain a constant traditional 'glass line' between opening lights and fixed lights, full details of which should be submitted to successfully discharge this condition.

2 The Environment Agency makes the applicant/developer aware of the follows:

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality considerations for planning applications,

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paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission.

This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not. Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.
Further advice is available at: https://www.gov.uk/permits-you-need-for-septic-tanks and
https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground

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3 The Highway Authority advises that the application site is affected by a Public Right of Way Footpath number 79 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it 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 Rights of Way Duty Officer.

4 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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:

EN8 - Landscape Features
EN13 - Nature Conservation
EN24 - Listed Buildings
LS1 - Sustainability criteria
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
TP8 - Disused transport routes
EN7 - Landscape Character Areas

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RNH2 - Other Sites For New Housing Development

In detail:

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.

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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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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