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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/2021/0001**) which was valid on the 5 January 2021 for permission for **Variation of condition 1 of AVA/2019/0952 to substitute the revised drawings DB/RB/18/45/14 - Plots 19,20,21 & 10 - Proposed Floor Plans & Elevation, DB/RB/18/45/13 - Plots 6,7,8 & 9 - Proposed Floor Plans & Elevations, DB/RB/18/45/100 Rev E - Production Drawing - Sheet 1 of 23 - Proposed Landscaping Site Block Plan, DB/RB/18/45/114 Rev B - Production Drawing - Sheet 15 of 23 - Plot 18 Proposed Floor Plans & Elevations at Land Off Maple Avenue Maple Avenue 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 carried out only in accordance with the details and specifications as follows:

   DB/RB/18/45/14 - Plots 19,20,21 & 10 - Proposed Floor Plans & Elevations;
   DB/RB/18/45/13 - Plots 6,7,8 & 9 - Proposed Floor Plans & Elevations;

Date : 8 March 2021

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DB/RB/18/45/100 Rev E - Production Drawing - Sheet 1 of 23 - Proposed Landscaping Site Block Plan
DB/RB/18/45/114 Rev B - Production Drawing - Sheet 15 of 23 - Plot 18 Proposed Floor Plans & Elevations
Floorplans and elevations Plots 11 - 15 Dwg Ref AW/8B/18/045/06 Rev D;
Floorplans and elevations Plots 16 and 17 Ref AW/8B/18/045/07 Rev B;
Floorplans and elevations Plots 22 Ref AW/8B/18/045/08 Rev B;
Floorplans and elevations Plots 23 Dwg Ref AW/8B/18/045/03 Rev B;
Proposed Levels Site Block Plan DB/8B/18/45/09
DB/RB/18/45/102 rev G - Proposed setting out site block plan
AWB/8B/18045/02 Rev C - Plots 1-10

Distinct Homes: Your Home by 8BUK Traffic Management and Pedestrian Plan
Jonathan Oakes Tree Survey and Arboricultural Assessment 13 March 2019

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3 and H12 of the Amber Valley Borough Local Plan Review Revised Deposit Plan 2006.

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

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

3. 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 Classes B and C of Part 1 of Schedule 2 (windows, dormer windows, rooflights, doors or other alteration to the roof of a property) shall be undertaken 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.

Date : 8 March 2021 Signed

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4. The proposed windows to the first-floor side elevations of plots 9 and 15 shall be glazed in highly obscured (non-see through) glass and be top-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 LS3 and H12 of the Amber Valley Borough Local Plan Review Revised Deposit Plan 2006.

5. The parking for shops shall be retained in perpetuity for use in connection with the shops and shall be used for no other purpose.

   Reason: In order to secure satisfactory replacement car parking in the interests of highway safety in accordance with saved policy TP6 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

6. Notwithstanding the Traffic Management and Pedestrian Plan all construction activities shall comply with the following:
   a) Operating hours:
   No 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. Activities that do not create noise and disturbance to residents may still take place outside these hours;
   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. 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;
   c) Dust/Particulate emissions:
   No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance 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

Date : 8 March 2021 Signed



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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 with operation triggered only by motion detectors.

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

7. No dwelling shall be occupied until space has been laid out for their respective car parking, in accordance with the application drawings, and shall be maintained thereafter free from any impediment to their designated use.

   Reason: In order to secure satisfactory car parking in the interests of highway safety in accordance with saved policy TP6 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. No dwelling shall be occupied until the existing access has been modified, including demarcation of the highway boundary and relocation of the tactile pedestrian crossing, in accordance with a plan first submitted to and approved in writing by the Local Planning Authority.

   Reason: In the interests of highway safety in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

9. The arrangements for the future management and maintenance of the proposed roads within the development shall be undertaken in accordance with the details agreed under the discharge of condition COND/2020/0019.

   Reason: For the avoidance of doubt in the interests of highway safety in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

10. Any gate/barrier located across the private road shall be located a minimum 10m from the adopted highway.

    Reason: In the interests of highway safety in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 8 March 2021 Signed



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11. The development shall be constructed in the materials as set out in the Materials Spec dated 11.06.2020. The development shall be carried out with those materials and maintained as such in perpetuity.

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

12. 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 policies LS3, EN8 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. Prior to the first occupation of the hereby approved dwellings the knee-high railings for the central 'public open space' where the Oak Tree is positioned shall be installed and maintained as such in perpetuity.

    Reason: To prevent vehicles parking on the grass surrounding the tree as the compaction of the roots within the root protection zone would cause significant damage to the tree contrary to saved policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

14. The boundary treatment shall be installed in accordance with the details specified in the planning application documents and approved plans.

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

Date : 8 March 2021 Signed



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Notes

Attention is drawn to the attached notes:

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:

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.

Date : 8 March 2021

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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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