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

Mr Sean & John McCurdy
Great North Land Limited
Regent Centre, Bulman House
Great North Road
Gosforth
Newcastle Upon Tyne
NE3 3LS

Mr Paul Gaughan
Paul Gaughan Building Consultants Limited
Unit E14
Langham Park Ind Est, Lows Lane
Stanton By Dale
Ilkeston
DE7 4RJ

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/2020/1082**) which was valid on the 19 November 2020 for permission for **Proposed residential development - 4 dwellings at Land At Kirkman Road Kirkman Road Loscoe**

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:

   - Site Location Plan;

Date : 12 March 2021

Signed

Julian Townsend
Executive Director (Operations)

- Proposed Site Block Plan drawing no. DB/SJM/20/41/05 Rev D;
- Proposed Floor Plans and Elevations drawing no. DB/SJM/20/41/06;
- Protected Species Appraisal and Tree Survey dated August 2017;
- Phase I Desk Study dated September 2017;
- Phase II Geo-Environmental Assessment dated December 2020;
- Erda Remediation Method Statement dated March 2021 ref: EAL.69.20;
- Letter titled Rotary Probe Drilling Investigation for Shallow Unrecorded Mine Workings (Erda Associates Ltd. 20 December 2020); and,
- Letter titled Fuel Tank Validation Sampling (Erda Associates Ltd. 19 January 2021).

Reason: In order to define the permission.

3. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials and any site accommodation required.

   Reason: In the interest of highway safety in accordance with saved policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

4. Before any other operations are commenced, the existing accesses to Kirkham Road shall be modified in accordance with the revised application drawings, 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 land in advance of the sightlines shall be maintained in perpetuity 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 interest of highway safety in accordance with saved policies TP1 and TP6 of the Adopted 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 resident's vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: In the interest of highway safety in accordance with saved policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 12 March 2021 Signed

Julian Townsend
Executive Director (Operations)

6. There shall be no gates or other barriers located across the entire frontage of the property.

   Reason: In the interest of highway safety in accordance with saved policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

7. The scheme of biodiversity enhancement (bird and bat boxes) as shown on drawing no. DB/SJM/20/41/05 Rev D shall be implemented in full and completed prior to the first occupation of the development.

   Reason: To improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

8. The hereby approved development shall be constructed in accordance with the brick and tile detailed in the email from the applicant received on 9 March 2021, which are as follows:

   - Forterra Kirton Arden Red bricks; and,
   - Marley Ashmore Smooth Grey tiles.

   Reason: For the avoidance of doubt and 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.

9. The boundary treatment details shown on drawing no. DB/SJM/20/41/05 Rev D shall be erected in full 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 policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

10. The hard and soft landscaping as shown on drawing no. DB/SJM/20/41/05 Rev D shall be implemented in full, prior to the occupation of the hereby approved development. 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.

Date : 12 March 2021 Signed

Julian Townsend
Executive Director (Operations)

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 H12 of the Adopted Amber Valley Borough Local Plan 2006.

11. The finished floor levels of the hereby approved development shall be constructed in accordance with the details on drawing no. DB/SJM/20/41/05 Rev D.

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

12. (a) The development shall be undertaken in strict compliance with the requirements contained within Erda Remediation Method Statement, dated March 2021, ref: EAL.69.20 (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 previously agreed in writing by the Local Planning Authority and in accordance with Environment Agency publication Land contamination: risk management (LCRM).

    Reason: The undertaking of appropriate remedial measures are needed to make the site suitable for its proposed use and in order to ensure the safety of the development,

Date : 12 March 2021 Signed

Julian Townsend
Executive Director (Operations)

in accordance with saved policy EN18 of the Adopted Local Plan 2006 and paragraphs 178 and 179 of the National Planning Policy Framework.

Notes

Attention is drawn to the attached notes:

1 The Highway Authority advise the applicant of the following:

- Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website
https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx
E-mail highways.hub@derbyshire.gov.uk or
- The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
- 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.
- 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.

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

Date : 12 March 2021 Signed



Julian Townsend
Executive Director (Operations)

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
H3 - Housing development within settlements
H12 - Design and amenity considerations
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.

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.

Date : 12 March 2021 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.**

pe