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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/2021/0159**) which was valid on the 22 February 2021 for permission for **Construction of a detached bungalow along with alterations to the existing access to serve 2no. dwellings at 1 Sandham Lane Ripley Derbyshire**

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. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
   Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Borough Council shall be obtained prior to the commencement of any development in respect of the, appearance, landscaping, layout and scale of the buildings.

Date : 24 May 2021

Signed

Julian Townsend
Executive Director (Operations)

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development shall be carried out in accordance with the details contained in the submitted plans (and documents) listed below:

   Site Location Plan only - on drawing 1631 001 Rev B
   Access and visibility details only - on drawing VC0357 001 001 Rev C

   Reason: In order to define the permission.

4. No development shall commence (excluding the demolition of existing structures) until;

   a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow 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: To ensure the site is appropriately remediated against coal mining risk in accordance with Saved Policy EN18 of the Amber Valley Borough Local Plan 2006.

5. Prior to the occupation of the development, or it being taken into beneficial use, 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: To ensure the site is appropriately remediated against coal mining risk in accordance with Saved Policy EN18 of the Amber Valley Borough Local Plan 2006.

6. No development shall commence until:

   i. A letter from a competent person confirming that the coal mining risk assessment intrusive investigation did not encounter any shallow coal mining and the ground gas

Date : 24 May 2021 Signed

Julian Townsend
Executive Director (Operations)

risk does not require further investigation shall be submitted to and accepted in writing by the Local Planning Authority.

ii. Should the coal mining risk assessment intrusive investigation encounter shallow coal mining, a ground gas investigation and risk assessment shall be carried out and a report submitted to and accepted in writing by the Local Planning Authority.

iii. Where the approved risk assessment (required by ii) identifies ground gases posing unacceptable risks, a detailed scheme to address the risks shall be submitted to and accepted in writing by the Local Planning Authority.

b. Any remedial actions required by the report submitted in fulfilment of (iii) above shall be undertaken and documented in a Verification Report which shall be submitted to and accepted in writing by the Local Planning Authority prior to the occupation of any structure.

Reason: Since the site has been identified as being potentially at risk from ground gases and to protect human health and buildings.

7. No work shall commence on site until such time as a scheme indicating proposed finished floor levels of all buildings, and the relationship of such to the existing dwellings adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed levels.

   Reason: This is a pre-commencement condition 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.

8. The development to which this approval relates shall be single storey only.

   Reason: To define the permission and in order 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.

9. Before any other operations are commenced, the existing access to Sandham Lane shall be modified in accordance with the revised application drawings, laid out, constructed and provided with 2.4m x 43m visibility splays in both directions, the area in advance of the sightlines being

Date : 24 May 2021 Signed

Julian Townsend
Executive Director (Operations)

maintained 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 policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

10. The access, the subject of condition 4 above, shall not be taken into use until 2m x 2m x 45º pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

    Reason: In the interest of highway safety in accordance with Saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

11. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

    Reason: In the interest of highway safety in accordance with Saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

12. The premises, the subject of the application, shall not be occupied until space has been provided within the application site for the parking and manoeuvring of residents and visitors vehicles in accordance with a scheme to be submitted as part of any reserved matters / full application and maintained throughout the life of the development free from any impediment to its designated use.

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

13. Prior to the occupation of the hereby approved development full details of the proposed treatment of the boundary(ies) of the site shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance 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.

Date : 24 May 2021 Signed

Julian Townsend
Executive Director (Operations)

14. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

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

15. Before the development hereby permitted commences, an environmental management plan shall be submitted to, and approved in writing by, the Local Planning Authority which specifies the provisions to be made for the control of noise, vibration and dust arising from construction works. All such works shall be fully implemented in accordance with the approved scheme.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 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/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx

E-mail highways.hub@derbyshire.gov.uk or
Telephone Call Derbyshire on 01629 533190.

2 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

Date : 24 May 2021 Signed

Julian Townsend
Executive Director (Operations)

or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

3 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.

4 When undertaking ground gas investigation and designing gas protection measures, reference should be made to the British Standards BS8576 "Guidance on investigations for ground gas" and BS8485 "Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings ".

5 The applicant is advised that the proposed dwelling should be designed to include habitable room windows to the south east and north west elevations to ensure that an appropriate level of outlook from these rooms can be achieved, in accordance with the guidance set out in the Residential Development SPD

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
TP1 - Impact on the Transport Network
TP6 - Parking
EN18 - Derelict, Unstable And Contaminated Land

In detail:

Date : 24 May 2021 Signed

Julian Townsend
Executive Director (Operations)

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 : 24 May 2021

Signed

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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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