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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/2021/0241**) which was valid on the 30 March 2021 for permission for **Variation of condition 2 of AVA/2017/0820 for amendments to floor plans and elevational treatment of Plot 1 only. at 2 Ladygrove Sawmills Belper**

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 shown on the:

   amended drawing S06 Rev A received on 27 November 2017
   drawings L01 Rev A, PO2 Rev 0 and P01 Rev 0 received 28 July 2017.

   proposed elevations and floor plan, plot 1 - drawing 20707/A/200 received 30/03/2021

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3, H3, H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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2. The dwellings must be protected from road traffic noise in accordance with the advice in the 'Environmental Noise Assessment' (Ref: AML 101, Andrew Lockwood, 22 September 2017), or any subsequent agreed amendments, such that the following noise levels are not exceeded:

   an LAeq,16hr of 55 (free field) in the outdoor living areas between 07:00 and 23:00 hours;
   an LAeq,16hr of 35dB inside the living rooms and bedrooms between 07:00 and 23:00 hours;
   an LAeq,16hr of 40dB inside the dining rooms/areas between 07:00 and 23:00 hours;
   an LAeq,8hr of 30dB and an LAmax,fast of 45dB inside the bedrooms between 23:00 and 07:00 hours.

   The details of the site layout and both internal and external noise mitigation measures necessary to comply with the above shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and maintained, in accordance with the approved details.
   A further acoustic report verifying compliance with the above shall be submitted to, and approved in writing by, the Local Planning Authority before occupation.
   Any acoustic barriers shall be maintained to the standard of the approved specification.
   The developer shall notify prospective occupants of the dwellings of the standard of sound insulation installed and, where necessary, of the need to keep windows and doors closed (using the alternative ventilation provided) to obtain its full benefit.

   Reason: This condition is required to safeguard the privacy and amenities of the occupiers in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

3. The development shall be implemented in accordance with the details relating to the gas membrane and ventilation approved under reference COND/2020/0075.

   Reason: The site has been identified as being potentially at risk from offsite ground gases and to protect human health and buildings in accordance with policies EN17 and EN18 of the Adopted Amber Valley Borough Local Plan 2006.

4. The development shall be implemented in accordance with the details relating to Factual Ground Investigation Report, S M Associates dated February 2020 approved under reference COND/2020/0075.

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Reason: To ensure that effective remedial or mitigating measures are taken to treat, control or contain unstable land in accordance with policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

5. The development shall be implemented in accordance with the details of the materials to the walls and roof to the dwellings approved under reference COND/2020/0155.

   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.

6. 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-E of Part 1 of Schedule 2 (erection of extensions, curtilage buildings etc) 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.

7. 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 elevation(s) 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, H12 of the Adopted Amber Valley Borough Local Plan 2006.

8. Prior to occupation of the dwellings, works to the boundary treatments shall be implemented in full in accordance with the details approved under planning reference COND/2020/0155.
   The boundary treatment shall include the retention of the existing roadside stone wall and the stone wall material taken from the new shared access re-used to fill in the field gate entrance.

   Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

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9. The development shall be implemented in accordance with the details approved under reference COND/2020/0141 for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, at the site. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

10. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

    Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

11. Before any other works commence the proposed access shall be provided in accordance with the application drawings and provided with 2.4m x 75m (to the east) and 47m (to the west) visibility splays, measured to the nearside kerb, the area in advance maintained free from obstructions exceeding 1m in height (600mm if vegetation).

    Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

12. The proposed drive shall be constructed in accordance with the details approved under reference COND/2020/0075.

    Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

13. In association with condition 13 there shall be no gate. The development shall be constructed with the means to prevent the discharge of surface water from the

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development onto the highway in accordance with the details approved under reference COND/2020/0155. The approved scheme shall be fully implemented prior to first use of the access and retained as such thereafter.

Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

14. The premises the subject of the application shall not be occupied until off street car parking has been provided in accordance with the revised application drawing number S06revA, with on-site turning space for the benefit of both dwellings, as shown hatched red on the attached, provided and maintained thereafter free from any impediment to its designated use.

Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

15. Access to the site shall be via the proposed access, the subject of the application. To this effect the existing vehicular access at the western end of the site shall be permanently closed with the margin/kerb reinstated.

Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 The Local Planning Authority and Borough Council has no statutory responsibilities in relation to private drainage issues, they are the responsibility of the developer to resolve. Any issues regarding public drainage should be directed to Severn Trent Water or the Environment Agency for their formal comments and consent as appropriate

2 The developer's attention is drawn to the assumptions and recommendations in the 'Environmental Noise Assessment' (Ref: AML 101, Andrew Lockwood, 22 September 2017) regarding the recommendations for noise mitigation necessary to meet the above noise limits. Section 4.3 concludes that, with the windows open, the guideline

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values cannot be met, so an alternative means of ventilation should be provided. With the windows closed, the calculations indicate that the guideline values can be met by installing glazing to the minimum specification provided in 101/AS1 (page 15). In addition, section 4.4 states that 'any permanent ventilation openings in the front or flank facades would result in higher internal noise levels'..and that..'An alternative means of ventilation, such as a whole house ventilation system may be necessary'. Although not explicitly assessed in the noise assessment, the summary of hourly measured levels in Table 101/T1 shows that noise levels in outdoor areas significantly exceed even the upper guideline value, so mitigation measures, such as an acoustic barrier, will be required.

3 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:
https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

4 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 & Communities 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
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

5 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

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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.

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:

LS3 - Design
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN13 - Nature Conservation
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land

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.

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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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