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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 guidance and policy and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/0649**) which was valid on the 28 August 2020 for permission for **Hybrid application: outline permission for the erection of 2 new residential units with demolition of part of existing building to create new vehicular access to Butterly Hill; full permission for the conversion of the original Out of Town Inn to 2 residential properties at 101 - 105 Butterley Hill 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. **OUTLINE PERMISSION**

   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.

Date : 23 June 2021

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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 plots 3 and 4.

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

3. The proposed new bungalow, as shown indicatively on drawing number 2685-003 Revision B shall be for the erection of single storey development only.

   Reason : To define the terms of this permission and for the avoidance of any doubt and in the interests of the visual amenity and residential amenity in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

FULL PERMISSION

4. 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.

5. Prior to occupation of plots 1 and 2, full details of the proposed treatment of the boundaries of the site shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme 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 policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

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6. Prior to occupation of plots 1 and 2, a landscaping scheme shall be submitted to and be approved 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 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 policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. Plots 1 and 2 shall not be occupied until such time that parking spaces P3, P4, P5, P6 have been provided in accordance with the application drawing 2685-003 Rev B, laid out and constructed of a solid bound material for the first 5m from the highway.

   Reason: To ensure sufficient off-street parking is provided in accordance with Policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

8. No development shall take place to the external elevations and roof of plots 1 and 2 until such time that the external materials/finishes to be used for the external elevations and roof of the converted building have been submitted to and approved in writing by the Local Planning Authority. Once agreed the development shall be undertaken fully in accordance with the approved details.

   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.

CONDITIONS FOR OUTLINE AND FULL ELEMENTS

9. Prior to commencement of development, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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Reason: This is a pre-commencement of development condition required in the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

10. Throughout the entire period of development vehicle wheel cleaning facilities shall be provided and retained within the site and all construction vehicles shall have their wheels cleaned before leaving the site.

    Reason: In order to prevent the deposition of mud and other extraneous material on the public highway, in the interests of highway safety as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

11. No dwelling shall be occupied until such time that the vehicular Access to the site has been provided as shown on drawing 2685-003 Rev B and any other existing access shall be formally closed, the highway margin (footway) fully reinstated with full height kerbs.

    Reason: In the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

12. The hereby approved development shall be carried out in strict accordance with the recommendations detailed in Section 4.2 of the Bat Survey report prepared by Turnstone Ecology dated July 2020. The biodiversity enhancement measures shall be implemented before occupation of the development, fully in accordance with the approved details and be retained in perpetuity for the life of development.

    Reason: To secure ecological enhancements at the site, in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

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13. 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:

    Site Location Plan - drawing 2685-001 dated April 2020
    Amended Proposed Site Plan - drawing 2685-003 Rev B dated April 2020
    Amended Elevations and Floor Plans - drawing 2685-006 dated April 2020

    Reason : In order to define the permission.

14. 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, porches, roof alterations and outbuildings) 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.

Notes
Attention is drawn to the attached notes:

1 The developer should seek professional advice if they suspect Asbestos Containing Material (ACM) is present on any building to be demolished or altered. The developer/land owner/ land manager may be liable if they fail to identify and manage any ACM appropriately.
More information regarding ACM can be found on the Health and Safety Executives web page (www.hse.gov.uk/asbestos).

2 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

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3 i. 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 works within the highway for any modifications to the existing access. E-mail highways.hub@derbyshire.gov.uk

ii. Pursuant to Section 127 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 works within the highway for the closure of the redundant access. E-mail highways.hub@derbyshire.gov.uk

iii. 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.

iv. 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 The applicant/developer is advised that in respect of the single storey bungalow shown indicatively, in order to prevent overdevelopment of the site and to maintain separation distances, the footprint should not exceed that shown on the indicative drawing as part of a future application for the Approval of Reserved Matters. As backland development, surrounded by neighbouring gardens, a dormer bungalow or two storey property would not be acceptable.

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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
EN13 - Nature Conservation
EN18 - Derelict, Unstable And Contaminated Land
LC11 - Community Facilities
RNH2 - Other Sites For New Housing Development

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.**