Julian Townsend
Executive Director (Operations)
Development Management

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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/2021/0424**) which was valid on the 16 April 2021 for permission for **Variation of Condition 2 – house types in relation to AVA/2018/1057 at Land At Sleetmoor Lane Swanwick**

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 to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   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 undertaken in accordance with the following:

   Planning application form;
   64 1Site P 00 30 Block plan 210326.pdf for plots 36-42 (inclusive)

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The revised house type for plots 36-42 drawings:

- 64 2HTW Brom P 05 Plans & elevations 210324.pdf
- 64 2HTW Brom P 06 Elevations 210325.pdf
- 64 2HTW Brom P 10 Plans & elevations PLOT 36 210407.pdf
- 64 2HTW Eskw P 20 Plans & elevations 210325.pdf
- 64 2HTW Eskw P 21 Elevations 210325.pdf
- 64 2HTW Wilt P 01 Plans & elevations 210325.pdf

Revised site layout plan F-19-SL-1 Rev H received by the Local Planning Authority on 16 July 2019
Highway general arrangement 24013_02_020_01a received by the Local Planning Authority on 5 July 2019
Proposed Boundary fencing 64_PL_08 received by the Local Planning Authority on 5 July 2019

64_F_19_SL_1	Site Layout	Rev H2
64_Ashm_P_01	Ashmore Plans	
64_Ashm_P_02	Ashmore Elevations	
64_Bran_P_01	Bransdale Layout	
64_Brou_P_01	Broughton Layout	
64_Cadd_P_01	Caddington Plans	
64_Cadd_P_02	Caddington Elevations	
64_Hamb_P_05	Hambleton Layout	
64_Harw_P_01	Harwood Layout	
64_Roxh_P_01	Roxham Layout	
64_Will_P_01	Willerby Layout	
64_Will_P_02	Corner Willerby Layout	
64_Gar_P_02	Standard Double Garage	Rev A
64_Gar_P_04	Standard Single Garage	
64_PL_02	Fence details	
64_PL_04	Front Boundary Wall details	
64_PL_06	Door Styles	
64_PL_08	Site Boundary Fencing	

Reason: To define the terms of the permission.

3. The development shall be constructed and completed fully in accordance with the material schedule specified in the planning application documents.

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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.

4. All dwellings shall be protected from road traffic noise in accordance with the advice in the acoustic report: 'Assessment of noise from external sources' (ref. 11422.04.v1, NoiseAssess Ltd., May 2019), such that the following noise levels are not exceeded:
an LAeq,16 hour of 55dB (free field) in the outdoor living areas between 07:00 and 23:00 hours;
an LAeq,16 hour of 35dB inside the living rooms and bedrooms between 07:00 and 23:00 hours;
an LAeq,16 hour of 40dB inside the dining rooms/areas between 07:00 and 23:00 hours;
an LAeq, 8 hour of 30dB inside the bedrooms between 23:00 and 07:00 hours.

   Details of the site layout and noise mitigation measures necessary to comply with the above have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and maintained in accordance with the above report and as clarified in the drawing: 'Proposed site sound issues' (64-PL-13, Rev A, 25.07.19) and the works completed under the supervision of an acoustic engineer.

   In premises where windows must be closed to achieve the above levels, adequate acoustically treated ventilation must be provided.

   The acoustic barriers that form part of the mitigation scheme shall be constructed and maintained to the standard of the approved specification and completed before occupation of any of the dwellings.

   Should the proposals for the site layout, levels or building design/construction alter from that on which the agreed assessment is based, a further audit of the noise assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before construction of any amended buildings commences.

   A further acoustic report verifying compliance with the above noise levels at agreed representative premises, determined by measurement (and/or calculation where agreed with the Local Planning Authority), shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the plots nearest to Derby

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Road and to the crematorium (Plots 7-18 (16-19, 22-23, 25, 27-31 in build order) according to the Build Programme submitted on 05.08.19).

Reason: In the interests of protecting residential amenity in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

5. The development shall be undertaken in accordance with Construction Environmental Method Statement Rev C. The approved statement shall be adhered to throughout the development period and shall provide for:
a) no construction works, or deliveries to and from the site, outside the hours of 08:00-18:00 on weekdays, 08:00-13:00 on Saturdays and not at all on Sundays or public holidays;
b) measures to control noise from construction works, particularly during services at the adjacent crematorium;
c) measures to control the emission of dust and dirt during construction works and from vehicles entering or leaving the site;
d) a scheme for recycling/disposing of waste resulting from construction works;
e) no burning of materials on-site;
f) measures for the control of works causing noise or vibration.

   Reason: To ensure the construction process does not adversely impact on residential amenity, as required by policy EN16 of the Amber Valley Borough Council Local Plan 2006.

6. The development shall be undertaken in accordance with Tree Root Protection Plan PL/16 which clearly illustrates the Root protection areas (RPA) and construction exclusion zones shown on approved layout. The scheme shall be implemented prior to works commencing on site and maintained as such throughout the construction phase.

   Reason: To prevent unnecessary damage to existing trees in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

7. Landscaping shall be undertaken in accordance with Site Landscaping Plan W/00/04 Rev A.

   Before the end of the first planting season following occupation/first use of any part of the development hereby permitted all soft landscaping shall be carried out and completed in accordance with the approved soft landscaping details.

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

8. The boundary treatment shall be installed in accordance with the details specified in the planning application documents. 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.

   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.

9. The Proposed Site Compound drawing no. W/00/07 Rev A shall be implemented in full and shall be retained free from any impediment to their designated use throughout the construction period.

   Reason: In the interests of highway safety in accordance with saved policy TP1 of the adopted Amber Valley Borough Local Plan 2016.

10. The development shall take place in accordance with the DCC Constructional Approval for the details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage).

    Reason: In the interests of highway safety in accordance with saved policies TP1 and H12 of the adopted Amber Valley Borough Local Plan 2016.

11. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with Condition 10 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such

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obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with saved policies TP1 and H12 of the adopted Amber Valley Borough Local Plan 2016.

12. No dwelling hereby permitted shall be occupied until the car parking shown on the approved drawings has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

    Reason: In the interests of highway safety in accordance with saved policies TP1, TP6 and H12 of the adopted Amber Valley Borough Local Plan 2016.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

    Reason: In the interests of highway safety in accordance with saved policies TP6 and H12 of the adopted Amber Valley Borough Local Plan 2016.

14. 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 interests of highway safety in accordance with saved policies TP1 and H12 of the adopted Amber Valley Borough Local Plan 2016.

15. Bin storage shall be undertaken in accordance with Site Layout Plan, Proposed Bin Stores Plots 24 & 25 and Proposed Bin Store plots 33-37 Plans.

    The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

    Reason: In the interests of highway safety in accordance with saved policies TP1 and H12 of the adopted Amber Valley Borough Local Plan 2016.

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16. No part of the development shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
ii. include a timetable for its implementation; and
iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of highway safety in accordance with saved policies TP1 and EN15 of the adopted Amber Valley Borough Local Plan 2016.

17. No building hereby permitted shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the private driveways onto the new estate streets. The approved scheme shall be undertaken and completed prior to the first use of the accesses and retained as such thereafter.

Reason: In the interests of highway safety in accordance with saved policies TP1 and EN15 of the adopted Amber Valley Borough Local Plan 2016.

18. The first 5m of the proposed access driveways shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc).

Reason: In the interests of highway safety in accordance with saved policies TP1 and H12 of the adopted Amber Valley Borough Local Plan 2016.

19. Notwithstanding the submitted information, before any works commence on the proposed access a scheme shall be submitted for the re-location of the existing bus stop, including bus boarder, clearway and shelter, unless otherwise agreed in writing by the Local Planning Authority, for approval. Once approved the scheme shall be fully

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implemented on site prior to the first occupation of the 10th dwelling, the subject of the application.

Reason: In the interests of highway safety in accordance with saved policies TP1 and H12 of the adopted Amber Valley Borough Local Plan 2016.

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:

LS1 - Sustainability criteria
LS3 - Design
EN1 - Countryside
EN8 - Landscape Features
EN9 - Landscape Features
EN15 - Development and Flood Risk
EN16 - Pollution
EN17 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
H5 - Housing development outside settlements
H12 - Design and amenity considerations
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 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.

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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, 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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