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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/2021/0696**) which was valid on the 18 June 2021 for permission for **Erection of 7 dwellings (plots 317-323) at Land On The Corner Of Aumonier Way And Bunting Close Aumonier Way Alfreton**

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 undertaken in accordance with the following:

   Planning application form;
   Phase II -Geo-Environmental Investigation Report dated October 2015 from Geo-Matters Ltd
   Site Plan (South) ALF/PL/02 Rev J - relating to Plots 317-323 only

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Milton House Type plot specific (plot 319) ALF/PL/MIL/01 Rev A
Alderwood RH (AS) drawing no: ALD RH (AS) sb /PL/01 Rev A
Maple RH (AS) drawing no: MAP (AS) sb /PL/01 Rev A
Middleton RH (AS) drawing no: MID (AS) sb/PL/01 Rev A
Double Garage drawing no: WSD/124 Rev D
Single Garage drawing no: WSD/123 Rev D

Reason: To define the terms of the permission.

3. Prior to any of the works on the external elevations/roof of the building(s) are commenced, samples of the materials and finishes to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority.

   The development shall then be carried out in accordance with the approved details.

   Reason: To ensure a satisfactory appearance of the completed development in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to works on the hereby approved building(s)and land being commenced a scheme detailing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to on and off site datum point and their relationship to existing neighbouring buildings and land shall be submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

   Prior to any building hereby permitted being occupied/brought into use, the finished floor levels of the building(s) and any changes to the land levels of the development shall be constructed and completed in accordance with the approved details.

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

5. Before any other operations are commenced a new vehicular and pedestrian access shall be created to Aumonier Way/Bunting Way in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

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Reason: In the interests of highway safety in accordance with saved policies TP6 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

6. 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 residents vehicles, laid out, surfaced 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 TP6 of the Adopted Amber Valley Borough Local Plan 2006.

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

   Reason: In the interests of highway safety in accordance with saved policies TP1, H12 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

8. The dwellings shall be protected from road and rail traffic noise such that the following noise levels are not exceeded:

   - an LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime);
   - an LAeq, 16-hour of 40dB inside living rooms between 07:00 and 23:00 hours (daytime);
   - an LAeq, 8-hour of 35dB inside bedrooms between 23:00 and 07:00 hours (night-time);
   - an LAmax, fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night-time).

   Those premises requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of these measures, shall be identified and agreed with the Local Planning Authority prior to construction commencing.

   All noise mitigation measures shall be designed and installed in accordance with an approved mitigation scheme and 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.

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A verification report detailing the resultant external and internal noise levels at representative premises agreed with the Local Planning Authority, 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 the occupation of any of the acoustically treated premises in order to confirm that the above noise levels have been achieved.

If an acoustic barrier forms part of the scheme, it shall be maintained to the standard of the approved specification. 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 amended buildings commences.

The developer shall notify prospective occupants of the standard of sound insulation installed and of the need to keep windows and doors closed (using the alternative insulated ventilation provided) to obtain its full benefit.

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

9. All site preparation, demolition and construction activities shall comply with the following:

a) Operating hours:

No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;

b) Noise and vibration:

All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'.

A health and safety risk management system shall be designed and implemented to eliminate or minimise reversing and the use of high-pitched reversing alarms, for example, use of broadband reversing alarms - see Health and Safety Executive (HSE) guidance at: https://www.hse.gov.uk/workplacetransport/information/reversing.htm;

c) Dust/Particulate emissions:

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No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any such deposits shall be removed from the highway at least once daily;

d) Waste:

No unwanted materials shall be disposed of on site by burning;

e) Lighting:

Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

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

Notes
Attention is drawn to the attached notes:

1 1. 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 proposed adopted 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.

2. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the proposed 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.

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 proposed 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 Council will encourage the developers to help to meet the Government's commitments to achieve net-zero carbon emissions by 2050, and to meet the NPPF's

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environmental objective of mitigating and adapting to climate change, including moving to a low carbon economy, through the inclusion of on-site renewable energy generation, the de-carbonising of heating systems and enhanced levels of insulation.

3 The Force Designing Out Crime Officer advises of the provision of a communally securable garden access gate, key lockable from both sides, for plots 321 and 322, placed at the head of the access path concerned.

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
EN15 - Development and Flood Risk
EN16 - Pollution
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 and creative way to secure 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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