Julian Townsend
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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 and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/1169**) which was valid on the 11 January 2021 for permission for **Outline application with all matters reserved for a maximum of four dwellings at 7 Gordon Road Swanwick 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. 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.

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

   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 listed below and with the conditions attached to this consent:

   site location plan - drawing 001 Rev A dated November 2020

   Reason : In order to define the permission.

4. No development shall commence until;

   a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, for submission to and approval by the Local Planning Authority.

   b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall then be implemented on site fully in accordance with the approved details in accordance with verification to provided prior to occupation of any dwelling.

   Reason: This is a pre-commencement of development condition required to ensure the development is made safe and stable from land instability caused by former coal mining activity, as required by Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

5. Before any other operations are commenced, the existing vehicular and pedestrian access shall be modified to Gordon Road, laid out, constructed, fully in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

   Reason: This is a pre-commencement of development condition required in the interests of highway safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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6. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents and service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

   Reasons: In the interests of highway safety in accordance with Policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

7. Before any other operations are commenced (excluding site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

   Reasons: In the interests of highway safety in accordance with Policies TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. Throughout the entirety of the construction process the development shall be carried out fully in accordance with hedgehog mitigation measures detailed in the Badger Survey Letter Report prepared by Brindle & Green dated 18th May 2021.

   Reason: To retain the Mammal of Principal Importance on the site in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to any construction above foundations level, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the incorporation of integrated (inbuilt) features within the new buildings for roosting bats. The enhancement scheme shall be implemented fully in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.

   Reason: In the interests of securing biodiversity enhancements in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

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10. Any application for the Approval of Reserved Matters shall be accompanied by an up-to-date tree protection plan and Arboricultural Method Statement.

    Reason: In the interests of ensuring no harm to protected trees in accordance with Policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 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.
2 The applicant/developer is advised that as part of any reserved matters application it will need to be demonstrated that plot 4 causes no harm to trees within or adjacent to Bullock Wood. The County Council's Countryside Officer will be consulted on any future application and if the layout does not satisfactorily demonstrate no harm to these trees, it could be a material planning reason to refuse the application. Careful consideration should therefore be given to the proposed layout and proximity of plot 4 to the southern boundary prior to submission.
3 Derbyshire Wildlife Trust advises that no removal of trees or shrubs should take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds is first undertaken.

Reasons for 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 relevant Neighbourhood Plans, and 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

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EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation

In detail:

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.

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.

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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.**