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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/2021/0483**) which was valid on the 5 May 2021 for permission for **Demolition of existing bungalow. Redevelopment of site with four dwellings at 180 Crich Lane Belper Derbyshire**

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 hereby permitted shall be carried out only in accordance with the details and specifications set out below and the conditions within this decision notice:

   - Site Location Plan and Block Plan drawing no. CL-01P received on 1 November 2021;
   - Visibility Splays drawing no. CL-01-01P received on 1 November 2021;

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- Plots 1 & 2 proposed floor plans and elevations drawing no. CL received on 1 November 2021;
- Plot 3 proposed floor plans and elevations drawing no. CL-04P received on 1 November 2021;
- Plot 3 detached garage plans and elevations drawing no. CL- received on 1 November 2021;
- Plot 4 proposed floor plans and elevations drawing no. CL- received on 1 November 2021; and,
- Ecological Survey Report dated September 2019.

Reason: In order to define the permission.

3. Before any other operations are commenced, 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.

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

4. Before the first occupation of the dwellings, the subject of the application, the new vehicular and pedestrian accesses shall be formed to Crich Lane in accordance with the application drawings and provided with a 2.4m strip across the site frontage measured back from the carriageway edge to maximise exit visibility. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.

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

5. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for the parking and manoeuvring of residents', service and delivery vehicles so that they may enter and leave the site in a forward

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gear. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.

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

6. There shall be no gates or other barriers on the access/driveways.

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

7. The proposed access to Crich Lane shall be no steeper than 1:20 for the first 5m from the nearside highway boundary and shall not exceed 1:12 thereafter. The individual driveways should not exceed 1:12. thereafter.

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

8. Prior to the commencement of development a bat and bird mitigation, compensation and enhancement strategy shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter.

Reason: This pre-commencement condition is required to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to the commencement of development a method statement that provides details of a mitigation strategy with respect to reptiles shall be submitted to and approved in writing by the Local Planning Authority. Such agreed measures shall be implemented in full.

Reason: This pre-commencement condition is required to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 and to improve the biodiversity of

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the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

10. No development shall take place to the external elevations of the hereby approved development until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to the occupation of the hereby approved development, full details of the proposed treatment of the boundary(ies) 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 saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

12. Prior to the occupation of the hereby approved development, a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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 saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. No work shall commence on the footings of the hereby approved development until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved in

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writing by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

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

14. Notwithstanding the hereby approved plans, the first floor north east facing bathroom windows serving plot 1 and plot 4; the first floor south west facing bathroom windows serving plot 2 and plot 3; and the first floor south west facing landing window serving plot 4 shall be glazed in highly obscured (non see through) glass and be top-opening only. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

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

15. 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 of Part 1 of Schedule 2 (erection of extensions) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason: To protect the character and visual and residential amenities of the locality in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

16. 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 E of Part 1 of Schedule 2 (erection of buildings incidental to the enjoyment of the dwelling house) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason: To protect the character and visual and residential amenities of the locality in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 Development shall not commence until a copy of the EPS Bat Mitigation Licence or evidence that the site is registered under a Bat Low Impact Class Licence has been submitted to the Council.

2 The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work/vegetation removal should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

3 The Highway Authority advise the applicant of the following:

- 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 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/vehicu;ar_access/default.asp, E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

- The following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:

"The lease or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts the publicly maintainable highway."

- The applicant should be aware that the relocation/diversion/protection of any Statutory Undertakers apparatus/street furniture will be at their expense.

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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
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN29 - Derwent Valley Mills World Heritage Site
TP1 - Impact on the Transport Network
TP6 - Parking
EN6 - Special Landscape Area

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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