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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/2021/0349**) which was valid on the 26 March 2021 for permission for **Variation of condition 2 of AVA/2013/0859 to reflect revised layout and footprint to allow for a 3m easement either side of the water main at Northfield Matlock Road Belper**

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 carried out only in accordance with the details and specifications shown on drawings no. 13015/A/01, 13015/A/02, 13015/A/03, 13015/A/04, and 13015/X/02 received 11 September 2013, and drawings no.17419/NS/201b and 17419/NS/X/100 received on 25 March 2021.

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy EN27, EN24, H12, TP1 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

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2. Notwithstanding the hereby approved plans, no development shall take place to the external walls 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 policies LS3, EN24 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

3. All mortar to be used shall be no stronger than a 1:1:6 (cement:lime:sand) mix. The walls should be formed using a lime mortar with joints finished flush with the stonework and then brushed back to expose the edges of the stone

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policies EN24 of the Adopted Amber Valley Borough Local Plan 2006.

4. A sample of the paving materials to be used shall be submitted to and approved in writing by the Local Planning Authority before works commence. All stone used for paving and the kerbs must be natural gritstone. These samples should be provided on site as sample panels.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies EN24 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

5. With respect to the new dwelling, natural stone heads and cills shall be used. A sample of the natural stone heads and cills to be used shall be submitted to and approved in writing by the Local Planning Authority before works commence. These samples should be provided on site as sample panels.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies EN24 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

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6. With respect to the new dwelling, precise details of all new windows/doors to be installed shall be agreed in writing with the Local Planning Authority before installation. The windows should be recessed a minimum of 75mm from the face of the wall.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies LS3, EN24/EN27 of the Adopted Amber Valley Borough Local Plan 2006.

7. With respect to the new dwelling, natural slate shall be used for the roof. A sample of the natural slate to be used shall be submitted to and approved in writing by the Local Planning Authority before works commence.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies EN24 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

8. With respect to the new dwelling, the eaves and the barge boards should not be constructed in UPVC, shall be in timber and painted, not stained.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies EN24 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

9. The rebuilding of stone walls shall match the original walls in all respects, using a lime mortar with joints finished flush with the stonework and then brushed back to expose the edges of the stone.

   In the case of the reassembled drystone wall, no visible mortar shall be used in its construction.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies EN24 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

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10. Samples of the new railings and the stone plinth shall be submitted to and agreed in writing with the Local Planning Authority before works commence. The works shall be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies EN24 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

11. The premises, the subject of the application, shall not be occupied until the entire internal access road within the application site has been laid out and constructed in accordance with the submitted application drawing number 1305/X/02 and maintained throughout the life of the development free from any impediment to its designated use.

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

12. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the submitted application drawing number 1305/X/02 for the parking and manoeuvring 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 the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

13. 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 the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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14. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall also include the provision of fruit trees to compensate for the loss of the existing trees within the proposal. 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 and to enhance bio diversity in accordance with policies LS3, H12, EN13, EN24 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

15. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0730 and 1800 hours weekdays, and 0730 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

16. During dry and/or windy weather, dust suppression methods, such as water bowsers or hosepipes, shall be used to prevent dust being blown off site.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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17. There shall be no bonfires on site during construction of the approved development.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

18. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

    Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

19. Prior to works commencing precise details of the recess depth of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building and Conservation Area in accordance with policies EN24, EN25 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

20. Notwithstanding the hereby approved plans, the finish material and colour of the eaves and barge boards shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out with those materials.

    Reason : To ensure the satisfactory appearance of the completed development in accordance with policies LS3, EN24 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

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 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 public highway [new estate street] 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 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

4 The applicant's attention is drawn to the following comments from Severn Trent Water:

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available, as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain

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copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

There is a 9in water main in the application site. No build over is permitted.

5 With regards to condition 2, the Conservation Officer has requested that the wall materials are re-considered to either 225mm tooled (quarry picked and quartered) stonework or 225mm ashlar with 225mm deep lintels.

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
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN27 - Conservation Areas

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EN29 - Derwent Valley Mills World Heritage Site

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.**