



Julian Townsend
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr and Mrs D Jones
34 Derby Road
Hilton
Derby
DE65 5FP

Mrs Marissa Sudar
Worcester Architects Limited
19 Poyser Lane
Kirk Langley
Ashbourne
Derby
DE6 4LR

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/2021/0743**) which was valid on the 28 June 2021 for permission for **Demolition of existing dwelling. Construction of new replacement detached dwelling, alterations to boundary to include new gates at Schiermonnikoog Cottage Makeney Road Makeney**

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:

- Block and site location plans drawing no. 079 2020 005;

Date : 24 December 2021

Signed

A handwritten signature in black ink, appearing to read 'Julian Townsend', is written over a white background.

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- Site Layout and roof plan as proposed drawing no. 079 2020 004;
- Elevations as proposed drawing no. 079 2020 001 Rev E;
- Elevations as proposed 2 of 2 drawing no. 079 2020 002 Rev A;
- Plans as proposed drawing no. 079 2020 003 Rev E;
- Balcony section as proposed drawing no. 079 2020 006;
- Preliminary Roost Assessment dated April 2021; and,
- Nocturnal Bat Survey Report dated 3 September 2021.

Reason: In order to define the permission.

3. The hereby approved development shall not be occupied until the replacement parking has been provided and laid in accordance with the approved plans and it shall be 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 policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

4. 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, as a minimum, the incorporation of integrated (inbuilt) features within the new building for roosting bats and nesting swifts. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development and retained as such thereafter.

Reason: To improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

5. a) No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme and provision to be made for post investigation analysis and reporting;
 3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 4. Provision to be made for archive deposition of the analysis and records of the site investigation

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5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.

Reason: This is a pre-commencement of development condition required to ensure an appropriate investigation of potential archaeological remains is undertaken, in accordance with Policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

6. No development shall take place on the external elevations or roof of the 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 works are carried out in a way which respects the special appearance and character of the Conservation Area and World Heritage Site and setting of a listed building in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to installation precise details of all new windows/doors at the development (including recess depths) shall be submitted to and agreed in writing with the Local Planning Authority. The work 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 Conservation Area and World Heritage Site and setting of a listed building in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

8. Prior to installation precise details of all rainwater goods (including materials and method of fixing) shall be submitted to and agreed in writing with the Local Planning Authority. The work shall be carried out in accordance with the agreed details.

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Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area and World Heritage Site and setting of a listed building in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

9. Notwithstanding the hereby approved plans, precise details of the eaves and verge detailing shall be submitted to and approved in writing with the Local Planning Authority. The work 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 Conservation Area and World Heritage Site and setting of a listed building in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

10. Prior to the occupation of the hereby approved development, full details of the proposed treatment of the boundary(ies) of the site shall submitted to and approved by the Local Planning Authority, including precise details, method of construction and materials for the front (north facing) boundary wall. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area and World Heritage Site and setting of a listed building in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

11. 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 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.

12. Prior to the occupation of the hereby approved development a scheme of hard and soft landscaping, to include two replacement trees of the same species of those being removed, shall be submitted to and approved by the Local Planning Authority. All

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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 policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

13. The three first floor side (north facing) windows serving the snug and bedroom 1, the two first floor side (south facing) windows serving the bathroom and en-suite and the first floor front (west facing) window serving the dressing room shall be glazed in highly obscured (non see through) glass and be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

Reason: 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.

14. The rooflight serving bedroom two shall be more than 1.7 metres above the floor of the room in which the window is installed. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

Reason: 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.

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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
H3 - Housing development within settlements
H12 - Design and amenity considerations
EN13 - Nature Conservation
EN24 - Listed Buildings
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site
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 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.