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 S Weir
Chevin View
14 Derby Road
Milford
Belper
DE560 RA

Mr Richard Keighley
DKMY Architects Ltd
10 Spencer Road
Belper
DE56 1JY

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 the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2021/0565**) which was valid on the 17 May 2021 for permission for **Replacement of 3 existing garages with a new detached single storey dwelling at Land Off Valley View Valley View 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. 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 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 undertaken in accordance with the details contained in the plans listed below and any conditions attached to the permission:

   Planning application form;
   Location Plan Drawing no. 21-104-08-01 May 21
   Access details only - on indicative drawing entitled 'Indicative alternative plans' drawing number - 21-104-08-10 dated August 2021

   Reason: To define the terms of the permission

4. This permission relates to the erection of single storey development only, which shall incorporate a flat roof to the proposed dwelling.

   Reason: To define the terms of this permission and for the avoidance of any doubt and in the interests of the visual amenity and character of the locality in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006 and policy NPP11 of the Belper Neighbourhood Plan.

5. Before the first occupation of the dwelling a new vehicular access shall be created to Valley View in accordance with the application drawings, laid out, constructed and provided with 2.4m x 25m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

   Reason: In the interests of highway safety in accordance with Saved Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

6. Before the first occupation of the dwelling, the access shall be provided with 2m x 2m x 45º pedestrian intervisibility on both sides of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

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Reason: In the interest of highway safety in accordance with Saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

7. Before the first occupation of the dwelling, the existing vehicular access to Valley View shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in a manner to be agreed in writing with the Local Planning Authority.

   Reason: In the interest of highway safety in accordance with Saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. Before the first occupation of the dwelling space shall be provided within the site curtilage for the parking of residents 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.

   Reason: In the interests of highway safety in accordance with Saved Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

9. As part of any reserved matters application, details of the existing and proposed ground levels, and proposed finished floor levels of the proposed dwelling shall be submitted to the Local Planning Authority for approval. The information submitted shall provide details of the height of the proposed single storey dwelling and proposed boundary treatments in relation to the existing dwellings adjacent to the site.

   Reason: To define the terms of this permission and for the avoidance of any doubt and in the interests of the visual amenity and character of the locality in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006 and policy NPP11 of the Belper Neighbourhood Plan.

10. As part of the reserved matters application, details of a demolition method statement with respect to the demolition of the three garages shall be submitted to the Local Planning Authority for approval.

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

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Notes

Attention is drawn to the attached notes:

1 1. 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 Councils website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

2. Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

2 Derbyshire Wildlife Trust advise that the garages proposed for demolition are unsuitable for roosting bats and overall there should be no ecological issues arising with the application. However, please note that Bats and owls are protected under the Wildlife and Countryside Act, 1981. Bats and/or owls often use old buildings for roosting. If there is any reason to believe that bats or owls are present, English Nature should be informed immediately. The Council's address is PO Box 18, Town Hall, Ripley, DE5 3SZ.

3 The Borough Council's Scientific Officer notes that the garage roof does appear to be constructed of corrugated asbestos cement sheets. The developer should seek professional advice if they suspect Asbestos Containing Material (ACM) is present on any building to be demolished or altered. The developer/land owner/ land manager may be liable if they fail to identify and manage any ACM appropriately.
More information regarding ACM can be found on the Health and Safety Executives web page (www.hse.gov.uk/asbestos).

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4 The Borough Council's Heritage Officer provides the following advice to inform the reserved matters submission.

This site is located within the Buffer Zone of the Derwent Valley Mills World Heritage Site (WHS).

The development should be limited to single storey restricted to the wider part of the site (currently occupied by the garages) to preserve in some form the openness across the valley.

Development cannot be supported higher than that indicated in the plans submitted.

Notwithstanding the indicative design, reserved matters of any approval in outline should meet the requirements of Section 22 of Part C of the 2020-2025 DVMWHS Management Plan : Operational Guidance: Design Rationale in pursuit of the vision to, create and promote a
local, national and international understanding and identity for the Derwent Valley Mills World Heritage Site as a cohesive and coherent whole, based on its global significance for all of humankind.

The Heritage Officer reviewed alternative indicative plans, which would set the proposed dwelling further away from the western boundary, closer to No 15 Canada Street and with associated re-positioning of the vehicle access and parking arrangements. As an indicative design, the same requirements of meeting the relevant standards of the Design Rationale would apply, although specifically, gates within the boundary treatment and the loss of the car port. Please note that it is unlikely that a close-boarded timber fence along the Valley View frontage would be an acceptable response to the potential quality of development that would be expected. Any wall proposed should relate to the materials of the proposed dwelling.

5 "The applicant is strongly urged to help meet the Government's commitments to achieve net-zero carbon emissions by 2050, and to meeting the NPPF's environmental objective of mitigating and adapting to meet climate change, including moving to a low carbon economy. Therefore, the applicant is strongly urged to include on-site renewable energy generation (e.g. solar panels), the de-carbonising of heating systems (e.g. air-/ground-source heat pumps) and enhanced levels of insulation beyond those required by present building standards."

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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
EN13 - Nature Conservation
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
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.**