Simon Gladwin
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 Tim Foster
2 Broomfield Cottages
Morley
Ilkeston
DE7 6DN

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/2021/1095**) which was valid on the 12 October 2021 for permission for **New Dwelling and detached garage (Resubmission of Appeal Ref: APP/M1005/W/18/3199349, AVA/2017/0594) at Land West Of Top Lane Whatstandwell**

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 shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

   Amended Dwelling and Garage Elevations - drawing 1919TL 001 Rev F received 18th February 2022
   Amended Floor Plans - drawing 1919TL 004 Rev B received 18th February 2022
   Amended Principle Elevation - drawing received 18th February 2022
   Block Plan - drawing 1919TL 003 Rev C received 7th October 2021
   Site Location Plan received 11th October 2021

Date : 13 April 2022

Signed

Simon Gladwin
Executive Director (Operations)

Reason: In order to define the permission.

3. Notwithstanding the submitted plans, the hereby approved dwelling and garage shall be constructed fully in accordance with the following external materials only:

   Elevations - Birchover natural coursed stone

   Roof - Natural slate

   Any variation to the agreed externals shall be first submitted to and approved in writing by the Local Planning Authority. Once agreed the development shall process fully in accordance with the agreed details.

   Reason: In the interests of protecting the visual amenity and character of the locality in accordance with Policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to installation full details of windows and doors to the property, which shall not be in UPVC, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the windows and doors shall be installed fully in accordance with the agreed details and be maintained in perpetuity.

   Reason: In the interests of protecting the visual amenity and character of the locality in accordance with Policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the submitted details, the existing stone wall to Top Lane shall be retained in perpetuity as a dry stone construction. No work shall commence to the remaining boundaries of the site until full details of the proposed treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment scheme shall be implemented fully in accordance with a phasing scheme prior to the occupation of the development.

   Reason: In the interests of protecting the visual amenity and character of the locality in accordance with Policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

6. The secondary south east facing windows to the utility and bedroom 2 shall be glazed in highly obscured (non-see through) glass and be non-opening. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

Date : 13 April 2022

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

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

7. Notwithstanding the submitted details, prior to occupation of the hereby approved dwelling the south-east facing balcony screening balustrades, as shown on drawing 1919TL 001 Rev F, shall be installed as 1.8m high (highly obscured) glazed screens in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Once installed the balcony screens shall be maintained in perpetuity for the life of the development.

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

8. 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, B, C, D, E of Part 1 of Schedule 2 (erection of extensions, porches, outbuildings and roof alterations) shall be undertaken without the prior written approval of the Local Planning Authority.

   Reason: To protect the character and visual amenities of the locality in accordance with policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no windows (other than those approved by this permission) shall be formed on the elevations of the hereby approved development without the prior written approval of the Local Planning Authority.

   Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

10. Prior to occupation of the hereby approved dwelling, the landscaping scheme as shown on landscaping drawing number 1919TL 009 Rev _ dated 13th November 2021 shall be implemented in full. Any trees or plants shall be planted in accordance with the agreed landscaping scheme in the first planting season and any trees/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

Date : 13 April 2022

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

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 policy LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

11. The hereby approved development shall be undertaken fully in accordance with the recommendations of the revised tree survey, arboricultural impact assessment and arboriculture method statement dated 16th November 2021 and received 17th February 2022. Any variation to the recommendations of the report shall be first submitted to and approved in writing by the Local Planning Authority.

    Reason: In the interests of preventing any harm to trees within the application site in accordance with policies EN7 and EN8 of the Adopted Amber Valley Local Plan 2006.

12. The development shall be carried out in full accordance with the badger mitigation measures detailed in sections 7.3.1 to 7.3.5 of the Preliminary Ecological Appraisal prepared by Brindle & Green dated December 2021 and shall include the provision of a clearly marked 20m buffer to the badger setts in which no construction activities including the storage of materials and machinery shall take place.

    Reason: In the interests of preventing harm to protected species in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

13. No development shall commence above foundation level until a scheme of biodiversity enhancement (namely the incorporation of bat roost features within the development) is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to the first occupation of the dwelling and retained in perpetuity for the life of the development.

    Reason: In the interests of preventing harm to protected species in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

14. No development shall commence until a scheme for the creation of the vehicular and pedestrian accesses to Top Lane has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include 2.4m x 43m visibility splays in both directions, 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) in relation to the adjoining nearside carriageway channel level. The approved details shall be implemented on site fully in accordance with the approved details prior to first occupation of the development hereby permitted.

Date : 13 April 2022

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

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

15. Prior to occupation of the hereby approved dwellinghouse, the vehicle parking and turning areas shall have been completed and thereafter retained in perpetuity for those purposes at all times.

    Reason: In the interests of ensuring sufficient parking is provided in the interests of highway safety, in accordance with Policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

16. The access drive to Top Lane shall have a gradient no steeper than 1 in 12 for the first 5 metres from the nearside highway boundary on Top Lane.

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

Notes

Attention is drawn to the attached notes:

1 Severn Trent Water Ltd advises that although their 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 the applicant/developer is advised to contact Severn Trent Water Ltd to discuss the proposals. Severn Trent Water Ltd will seek to assist the applicant/developer obtaining a solution which protects both the public sewer and the building.

2 T13 (Ash) is adjacent to the proposed development. The Borough Council's Trees and Conservation Officer makes the applicant/developer aware that if at any time during construction any access, pruning or further tree work is required along with any encroachment into the RPA of this tree, the Local Authority should be notified prior to any works being carried out. The approved landscaping works are required to be in accordance with the Badger Licence operation.

Date : 13 April 2022

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

3 The applicant is advised that there may be Japanese Knotweed present on the site, and that they should undertake an inspection of the site to ensure that any Japanese Knotweed present is dealt with under the correct procedures.

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
H4 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN27 - Conservation Areas
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.

Date : 13 April 2022

Signed

Simon Gladwin
Executive Director (Operations)

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.**