Simon Gladwin
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Development Management

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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/2020/0871**) which was valid on the 5 November 2020 for permission for **Demolition of existing dwelling and erection of one replacement dwelling at 504 Cromford Road Langley Mill 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 shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

   Site location plan Revision C - received 26/04/2022

   Block plan Revision D - received 26/04/2022

   Proposed elevations (1 of 2) - drawing 1828 / 28 Revision A - received 04/03/2022

Date : 6 May 2022

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Proposed elevations (2 of 2) - drawing 1828 / 29 Revision A - received 04/03/2022

Proposed ground floor plan - drawing 1828 / 026 - received 04/03/2022

Proposed first floor plan - drawing 1828 / 27 Revision A - received 04/03/2022

Protected Species Appraisal prepared by Arc Ecology dated December 2021

Reason: In order to define the permission.

3. No development shall commence (excluding the demolition of existing structures) until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is a pre-commencement of development condition necessary in the interests of ensuring the development can be made stable from former coal mining activity in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This condition is necessary in the interests of ensuring the development can be made stable from former coal mining activity in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 6 May 2022

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5. No development shall take place (excluding the demolition of existing structures) until:

   A satisfactory ground gas investigation and risk assessment in order to determine what, if any, ground gas remediation measures may be required has been carried out and submitted to and approved in writing by the Local Planning Authority, or
   details of appropriate ground gas mitigation measures to be installed in the buildings in lieu of any ground gas investigation have been submitted to and approved in writing by the Local Planning Authority.

   The development shall subsequently be carried out in accordance with the approved details.

   The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, should be carried out or assessed in accordance with the guidance contained in the latest version of BS8485 "Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings."

   Reason: This condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with the advice contained in the National Planning Policy Framework and in accordance with policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

6. No development shall commence on site (excluding the demolition of existing structures) until;

   a) a scheme detailing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to on and off site datum point and their relationship to existing neighbouring buildings and land has been submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

   b) Prior to any building hereby permitted being occupied/brought into use, the finished floor levels of the building(s) and any changes to the land levels of the development shall be constructed and completed in accordance with the approved details.

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

Date : 6 May 2022

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7. All site preparation, demolition and construction activities shall comply with the following:

a) Operating hours:
No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;
b) Noise and vibration:
All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites';
c) Dust/Particulate emissions:
No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. Any on-site crushing and/or screening of bricks, tiles or concrete must only be conducted under an environmental permit and the Borough Council's Environment Unit must be notified of any such activities at least 7 days prior to their commencement. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any such deposits shall be removed from the highway at least once daily;
d) Waste:
No unwanted materials shall be disposed of on site by burning;
e) Lighting:
Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2066.

8. 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 an integrated (inbuilt) feature within the new dwelling for roosting bats. 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."

Reason: This condition is required to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife

Date : 6 May 2022

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and Countryside Act 1981 in accordance with policy EN13 and to improve the biodiversity of the local area in accordance with Policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. No development shall take place above slab level 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 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 and H12; of the Adopted Amber Valley Borough Local Plan 2006.

10. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of resident's 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.

11. Notwithstanding the details shown on the approved plans, the first floor ensuite window on the north west elevation 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: 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

12. 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, porches, extensions, roof alterations, 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 amenities of the locality in accordance with policy LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 6 May 2022

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S Gladwin

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Notes

Attention is drawn to the attached notes:

1 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

Date : 6 May 2022

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If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2 The applicant is advised that Severn Trent Water Ltd. may have clean water apparatus within the proposed application site, in which case the developer will need to contact Severn Trent Water directly for further advice.

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
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN2 - Green Belt
EN13 - Nature Conservation
EN18 - Derelict, Unstable And Contaminated Land

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 : 6 May 2022

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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.**