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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/2021/0697**) which was valid on the 15 June 2021 for permission for **Reserved matters application in relation to AVA/2019/1244. Consent sought for Appearance, Landscaping, Layout and Scale for a new dwelling at Land At Parkside Stables Wingfield Road Alfreton**

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 to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   **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 - drg no FDL-20-212-01 dated June 2021
   Amended Block Plan - drg no FDL-20-212-05 revA dated June 2021
   Amended Elevations and Floor Plans - drg no FDL-20-212-02 revA dated January 2021

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Amended Proposed Site Plan - drg no FDL-20-212-04 Rev A dated April 2021

**Reason** In order to define the permission.

3. No development shall take place to the external elevations or roof of the dwelling 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 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to installation precise details of all new windows and doors to be installed 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 approved details and be maintained in perpetuity for the life of the development.

   **Reason**: To ensure the development represents high quality design which is sympathetic to the rural locality in accordance with Policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. No work shall commence to the boundary treatment of the site until full details of the proposed treatment of the boundaries of the site has been submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

   **Reason**: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

6. Prior to occupation of the hereby approved dwelling, a landscaping scheme shall be submitted to and be approved by the Local Planning Authority. 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 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 H12 of the Adopted Amber Valley Borough Local Plan 2006.

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7. The off road parking and manoeuvring areas as shown on drawing FDL-20-212-05 revA dated June 2021 shall be provided and made available for their designated purposes prior to the first occupation of the dwelling. Once provided the car parking shall be retained in perpetuity for the life of the development.

   **Reason**: To ensure sufficient car parking is provided in accordance with Policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

8. Prior to occupation of the hereby approved dwelling house, the precise design recommendations and surfacing materials to be used to accommodate the car parking spaces within the root protection area of Oak Tree 23 shall be first submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be installed and made available for use fully in accordance with the agreed details prior to occupation of the dwelling.

   **Reason**: To ensure the development causes no harm to the tree in accordance with Policies EN7 and EN8 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 development relating to Class A, B, C, D, E of Part 1 of Schedule 2 (erection of extensions, porches, outbuildings, 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 and the trees subject to a tree preservation order from permitted development which could be undertaken without the benefit of planning permission in accordance with policies LS3, H12, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

10. The first floor secondary south-east facing windows to bedrooms 2, 3 and 4, and the ground floor secondary south-east facing windows to the dining room and porch 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.

    **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.

11. Throughout the entirety of the construction process the recommendations of the tree survey undertaken by Derwent Treescapes dated 10th January 2022 in relation to tree

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protection, exclusion zones and protective fencing shall be followed and implemented in full.

**Reason**: To ensure the construction process causes no harm to the trees in accordance with Policies EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

**Notes**

**Attention is drawn to the attached notes:**

1 The Borough Council's Landscape Services department makes the applicant/developer aware that if any further tree works become apparent or works within the root protection area of the retained Oak Tree 23, to contact Derbyshire County Council's Countryside Officer to discuss the proposals before any works take place.

**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
TP1 - Impact on the Transport Network
TP6 - Parking
EN1 - Countryside
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN18 - Derelict, Unstable And Contaminated Land
H5 - Housing development outside settlements
H12 - Design and amenity considerations

**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.

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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.**