**Simon Gladwin**
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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/2021/0906**) which was valid on the 24 August 2021 for permission for **Proposed construction of 2 storey residential dwelling at Land To Rear Of 47 Jessop Street Jessop Street Codnor**

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 **REFUSED for the following reasons:**

**Conditions/Reasons**

1. By virtue of the limited footprint of the application site, the application is considered to result in a cramped and contrived form of development, accommodating a dwelling in a small space in between the neighbouring properties, with the proximity of the development to neighbouring boundaries representing overdevelopment of the site. The application fails to conserve or enhance the local distinctiveness of the built environment contrary to Policy LS3 of the Adopted Amber Valley Borough Local Plan 2006; is not in scale and character with its surroundings contrary to Policy H12 of the Adopted Amber Valley Borough Local Plan 2006; and would not function well or add to the overall quality of the area, contrary to Paragraph 130 (a) of the National Planning Policy Framework.

Date : 8 June 2022

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2. By virtue of the limited footprint of the application site, the application proposes a small-scale residential dwelling house with a standard of internal living accommodation and sub-standard private garden depth which would be of detriment to the living conditions of future occupiers. The development is contrary to Policy H12 (c) of the Adopted Amber Valley Borough Local Plan 2006, which requires new housing developments to provide adequate amenity space for each dwelling unit; contrary to Paragraph 130 (f) of the National Planning Policy Framework, as the development would not provide a high standard of amenity for future occupiers of the dwelling house; and contrary to the adopted Supplementary Planning Document for New Residential Development which sets out minimum garden depths in the interests of protecting residential amenity.

3. The proposed development would lead to an intensification in use of an existing substandard access to Jessop Street, where emerging visibility is severely restricted due to the width of the adjoining footway and the proximity of third-party land outside of the applicants control; and inadequate provision is provided for the manoeuvring of vehicles clear of the public highway, which would be likely to result in reversing onto or off of the public highway. The development would therefore lead to danger and interference with the safe and efficient movement of traffic on the adjoining highway, contrary to the best interests of highway safety. The development is contrary to Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006, as the application cannot provide a satisfactory access to the highway network; contrary to Paragraph 110 (b) of the National Planning Policy Framework as a safe and suitable access to the site cannot be achieved for all users; and contrary to Paragraph 111 of the National Planning Policy Framework as the development would cause unacceptable impacts on highway safety.

4. The proposal does not constitute sustainable development for the purposes of paragraphs 8 (b) and (c) and 11 (d, ii) of the National Planning Policy Framework, since the development would not provide a high standard of amenity for future occupiers; would not foster a safe environment in highway safety terms and would fail to protect the built environment.

Date : 8 June 2022

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

**In detail:**

The processing of this planning application has been undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF). Dialogue between the applicant and Local Planning Authority has been undertaken to try and address the issues associated with the proposal. This includes the processing of amended plans, allowing a delay in the determination of the application to give the applicant the opportunity to address the concerns, however, the issues have failed to be resolved.

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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. **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.**
3. **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.**
4. **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.**
5. **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**

6. **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.**
7. **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.**
8. **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".**
9. **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.**
10. **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.**