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 Mark Thornewill
J & K Developments Ltd
The Hythe
8 Moorway Lane
Littleover
Derby
DE23 2FR

Mr Chris Wood
JSA Architects
Sadler Bridge Studios
Bold Lane
Derby
DE1 3NT

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/2022/0044**) which was valid on the 3 February 2022 for permission for **Variation of Condition 2 of AVA/2018/0652 for amendment to proposed layout and house type B1 (plots 5, 6, 7) at Land Adjacent To The Canal Inn Bullbridge Hill Ambergate**

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 of planning permission AVA/2018/0652 (5th September 2019).

   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.

Date : 23 June 2022

Signed

Simon Gladwin
Executive Director (Operations)

2. The development shall be carried out in accordance with the details contained in the submitted plans (and documents) listed below:

   Site Location Plan - drawing number 101, dated June 2018
   Amended Proposed Layout Plan - drawing number 103 Revision C, dated June 2018 received 2nd February 2022

   Amended House Type B1 Floor Plans (plots 5, 6 and 7) - drawing number 113 Revision A dated February 2019
   Amended House Type B1 Elevations (plots 5, 6 and 7) drawing number 114 Revision B - dated February 2019

   Amended House Type B Elevations (plots 8 and 9) - drawing number 110, dated July 2019
   Amended House Type B Floor Plans (plots 8 and 9) - drawing number 109, dated July 2019

   Amended House Type B1 Floor Plans (plots, 1, 2, 3 and 4) - drawing number 113 dated February 2019
   Amended House Type B1 Elevations (plots, 1, 2, 3 and 4) - drawing number 114 dated February 2019

   Reason: In order to define the permission.

3. No development shall take place to the external elevations or roof of the proposals 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 occupation of any dwelling, full details of the proposed treatment of the boundaries of the site shall be 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 H12 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 23 June 2022

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

5. Prior to occupation of any dwellings, 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.

6. No work shall commence to the construction of the hereby approved dwellings until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

   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.

7. 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 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 and H12 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 windows (other than those approved by this permission) shall be formed on the east elevations and east facing roof planes of plots 8 and 9 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 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 23 June 2022

Signed

Simon Gladwin
Executive Director (Operations)

9. Notwithstanding the submitted details, the first floor east facing bedroom 2 and study windows of plots 8 and 9 shall be glazed in highly obscured (non see through) glass and be top-opening only (the top opening shall be a minimum of 1.7m above internal finished floor level). 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.

10. Notwithstanding the submitted details, the east facing rooflights on plots 8 and 9 shall be glazed in highly obscured (non see through) glass and the ceiling heights of such windows shall be a minimum of 1.7m above internal finished floor level. 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. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS is as follows:

    a) Location and installation of services/ utilities/ drainage.
    b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
    c) Details of construction within the RPA or that may impact on the retained trees.
    d) a full specification for the installation of boundary treatment works.
    e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
    f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
    g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

Date : 23 June 2022

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

h) A specification for scaffolding and ground protection within tree protection zones.
i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
k) Boundary treatments within the RPA
l) Methodology and detailed assessment of root pruning
m) Arboricultural supervision and inspection by a suitably qualified tree specialist
n) Reporting of inspection and supervision
o) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in fully in accordance with the approved details.

Reason: This is a pre-commencement of development condition required to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with EN8 of the Adopted Amber Valley Borough Local Plan 2006 and pursuant to Section 197 of the Town and Country Planning Act 1990.

12. Prior to commencement of development, a new estate street junction shall be formed to Kinder Crescent located, designed, laid out, constructed and provided with 2.4m x 43m visibility splays in either direction, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.

    Reason: This is a pre-commencement of development condition required in the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Council 2006.

13. Prior to occupation of the hereby approved dwellings space shall be provided within the application site, in accordance with the application drawings, for the parking and manoeuvring of vehicles to be laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated parking use.

    Reason: To ensure adequate off streetcar parking, in the interests of road safety in accordance with policy TP1 and TP6 of the adopted Amber Valley Borough Local Plan 2006.

Date : 23 June 2022

Signed S Gladwin

Simon Gladwin
Executive Director (Operations)

14. Prior to commencement of development (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

    Reason: This is a pre-commencement of development condition required in the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Council 2006.

Notes
Attention is drawn to the attached notes:

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 Council's website

https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx,

e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
Each parking bay should measure 2.4m x 4.8m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.

Date : 23 June 2022

Signed

Simon Gladwin
Executive Director (Operations)

2 The developer should seek professional advice if they suspect Asbestos Containing Material is present on any structure to be demolished or altered. The development/landowner/land manager may be liable if they fail to identify and manage any Asbestos Containing Material appropriately. More information can be found at www.hse.gov.uk/asbest

3 No removal of trees or shrubs should take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and appropriate measures are put in place to protect nesting bird interest on the site.

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
H5 - Housing development outside settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN1 - Countryside
EN8 - Landscape Features
EN9 - Landscape Features
EN13 - Nature Conservation
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
LC11 - Community Facilities
RNH2 - Other Sites For New Housing Development
RNE1 - Landscape Character

Date : 23 June 2022

Signed

Simon Gladwin
Executive Director (Operations)

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

Whilst the approval of this application would represent a departure from the Local Plan, the other material considerations are significant and in this instance outweigh the presumption against development in the countryside and provide justification to support the proposal. Despite being within the countryside the development is acceptable in terms of scale and character, makes efficient use of the land, a satisfactory access to the highway can be provided, there is a limited impact on the amenity of the area and there is no significant adverse impact on landscape features.

Date : 23 June 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.**