Simon Gladwin
Executive Director (Operations)
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/2022/0357**) which was valid on the 21 April 2022 for permission for **Variation of condition 2,3 and 4 of AVA/2020/0845 for changes to plots 29-36 as a result of 2 mine shafts being located. Changes to plot 62 driveway at American Adventure Theme Park Pit Lane Shipley**

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 original reserved matters AVA/2020/0845 (issued on 4 August 2021), 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 hereby permitted shall be carried out only in accordance with the details and specifications shown on the following drawings unless otherwise required by another condition of this permission:

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Location Plan 2002.02 Rev A

Planning Layout 2002.01 Revision W
Materials plan Drawing no. 2002.03 Rev H

Plot F Mineshaft Investigation SL-PLOTF-MSI-01
Detailed Landscape Proposals 3669/1 Rev D and 3669/2 Rev D

Hivestone Floor plan O20/HIVE/001 Rev B
Hivestone Elevations O20/HIVE/002 Rev B

Hornstone Det Floor Plan O20/HONE/001 Rev C
Horstone Det Elevations O20/HONE/002 Rev C

Irkstone Det Floor plan O20/IRNE/001 Rev B
Irkstone Det Elevations O20/IRNE/002 Rev B

Ivystone Det Floor plan O20/IVNE/001 Rev C
Ivystone Det Elevations O20/IVNE/002 Rev C

Lakebrook Det Floorplans O20/LAOK/001 Rev A
Lakebrook Det Elevations O20/LAOK/002 Rev A

Meadowbrook Det Floorplans O20/MEOK/001 Rev B
Meadowbrook Det Elevations O20/MEOK/002 Rev B

Narsbrook Det Floorplans O20/NAOK/001 Rev B
Narsbrook Det Elevations O20/NAOK/002 Rev B

Nutbrook Det Floorplans O20/NUCK/001 Rev B
Nutbrook Det Elevations O20/NUCK/002 Rev B

Palmbrook Det Floorplans O20/PAOK/001 Rev B
Palmbrook Det Elevations O20/PAOK/002 Rev B

Rainbrook Det Floorplans O20/RAIN/001 Rev A
Rainbrook Det Elevations O20/RAIN/002 Rev A

Skybrook Det Floorplans O20/SKOK/001 Rev B
Skybrook Det Elevations O20/SKOK/002 Rev B

Tambrook Det Floorplans O20/TAOK/001 Rev B

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Tambrook Det Elevations O20/TAOK/002 Rev B

Teebrook Det Floorplans O20/TEOK/001 Rev A
Teebrook Det Elevations O20/TEOK/002 Rev A

Vamwick Det Floorplans O20/VACK/001 Rev B
Vamwick Det Elevations O20/VACK/002 Rev B

Waywick Det Floorplans O20/WACK/001 Rev A
Waywick Det Elevations O20/WACK/002 Rev A

Shipley Street scenes drwg no. 202.04 Rev E

Nutbrook floor plans - Dual Aspect Drawing no. O20/NUOK-DA/001 Rev A
Nutbrook Dual Aspect (Plot 8 & 62 ALT (Front Gable & Render) Drawing no. PSNDA.ALT
Nutbrook Dual Aspect drawing no. 09-O20/NUBK-DA/002 Rev B
Nutbrook Dual Aspect Render Elevations drawing no. 09-O20/NUBK-DA/002/R Rev B
Varnwick Det Render O20/VACK/002/R Rev B

Trewbrook Det Floorplans drawing no. O20/TROK/001 Rev A
Trewbrook Det Elevations drawing no. O20/TROK/002 Rev A

Plot 52 Irkstone Det Elevations O20/IRNE/PL52/01
Plot 52 Irkstone Det Floorplans O20/IRNE/PL52/02

Single garage 2002.G.01
Double Garage 2002.G.02

Boundary treatments 1.5m timber fence with trellis drawing no. 2002.B.07
Boundary treatments 1.8m timber screen fence drawing no. 2002.B.01
Boundary treatments 1.8m brick and timber panel wall drawing no. 2002.B.02
Boundary treatments 1.2m timber screen fence drawing no. 2002.B.06

Vehicle Tracking Plan received by the Local Planning Authority on 21 July 2021 as follows:
Proposed Vehicle Tracking Sheet 1 of 4 drawing no. 100366_02000_02.1 Rev D02
Proposed Vehicle Tracking Sheet 2 of 4 drawing no. 100366_02000_02.2 Rev D02
Proposed Vehicle Tracking Sheet 3 of 4 drawing no. 100366_02000_02.3 Rev D02
Proposed Vehicle Tracking Sheet 4 of 4 drawing no. 100366_02000_02.4 Rev D02

Reason: To define the terms of the permission.

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3. Notwithstanding the Materials Plan 2002.03 Rev H prior to any of the works on the external appearance of the hereby approved dwellings precise details and samples of the materials and finishes to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority.

   The development shall then be carried out in accordance with the approved details and maintained as such in perpetuity.

   Reason: To ensure a satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN2 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to any building hereby permitted being occupied/brought into use, the boundary treatment for that building(s) shall be installed and completed in accordance with the specified details on the Materials Plan drwg no. 2002.03 Rev H.

   Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policies LS2, LS3 EN2 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the details submitted prior to works on the hereby approved building(s)and land being commenced 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 shall be submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

   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.

6. Notwithstanding the details submitted prior to construction work above ground being commenced, details of any soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: i. planting plans; ii. written specifications (including cultivation and other operations associated with

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tree/plant and grass establishment); and iii. schedules of trees/plants, noting species, sizes and proposed numbers/densities where appropriate.

Before the end of the first planting season following occupation/first use of any part of the development hereby permitted all soft landscaping shall be carried out and completed in accordance with the approved soft landscaping details.

Any trees or 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 policies, LS3, H12, EN2, EN3, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order) for Plots 1, 2, 3, 4, 5, 6, 7, 8, 62, 63, 64, 65, 66, 67, 68, 69, and 70 no development relating to Classes B and C of Part 1 of Schedule 2 (windows, dormer windows, rooflights, doors or other alteration to the roof of a property) 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 , H12 and EN2, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding the details of the Ecological Design Strategy precise details of bird and bat boxes including specification and locations shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and maintained as such in perpetuity throughout the life of the development.

   Reason: In the interests of ecological protection and enhancement in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. The garages/parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property

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without the grant of further specific planning permission from the Local Planning Authority.

Reason: To ensure adequate parking provisions of vehicles in the interests of highway safety in accordance with saved policies TP1, TP6 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

10. For dwellings that do not have garage provision, prior to occupation of those dwellings, secure cycle parking facilities for the occupants shall be fully implemented and made available for use prior to the occupation of the relative dwelling hereby permitted and shall thereafter be retained for use at all times.

    Reason: In the interests of sustainability in accordance with saved policies, LS1, H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to first occupation of any dwelling, the dwellings hereby approved shall have provision for electric vehicle charging in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Once provided the charging points shall be retained thereafter.

    Reason: In the interests of sustainability in accordance with saved policies, LS1, TP6, EN35, H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

12. Notwithstanding the details submitted no part of the development served by a 'shared private drive' shall be occupied until details of arrangements for temporary storage of bins on collection days, located within close proximity to the proposed adopted highway, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

    Reason: In the interests of highway safety in accordance with saved policies TP1 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A of Part 1 of Schedule 2 (the enlargement, improvement or other alteration of a dwelling house) and Class E of Part 1 of Schedule 2 (curtilage buildings) shall be undertaken without the prior written approval of the Local Planning Authority for Plots 30, 31, 33,35 as annotated on drawing no. 2002.01 Rev W.

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Reason: Due to the presence of mine shafts to enable the safety and stability implications of coal mining legacy to be considered by the Local Planning Authority in the event of future householder development proposals at the site in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The applicant is reminded that the conditions attached to the substantive outline planning permission are also relevant.

2 The applicant is reminded that the conditions attached to the substantive outline planning permission are also relevant.

3 The applicant is strongly urged to consider any appropriate measures/features, such as EV charging points, to mitigate climate change, having regard to paragraphs 148-154 of the National Planning Policy Framework (NPPF) and to reflect Amber Valley Borough Council's declaration of a Climate Emergency, and to incorporate those measures/features into the development. The inclusion of any such features should be considered in terms of whether they are able to be implemented under the plans and drawings approved under condition [2] of this notice. Please contact the case officer who will be able to advise further.

4 The applicant is advised to incorporate the provision of 32mm water riser in the hereby approved development in the interests of safety for future occupiers or users of the building.

5 Broadband - Assessing the Proposed Development
Currently access to the internet is mainly through the national telephone network infrastructure. Broadband service quality varies across the County and access to superfast broadband speeds in Derbyshire is limited. Improvement to broadband connectivity is identified as a key priority in the County Council's Council Plan 2010 - 2014. The County Council aims to broaden Derbyshire's economic base and improve economic performance and broadband is essential to this.

The Digital Derbyshire programme is providing access to high speed broadband services for residential and business users. The roll-out applies to existing households and businesses and it should not be assumed that new development will be covered by this intervention. Developers and Local Planning Authorities can help to anticipate the future needs of residents and businesses and prevent having to retrofit properties in the future by providing for the delivery of broadband infrastructure and services as

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part of the on-site design of their development schemes. New development should be supported by a communications strategy that delivers future-proof infrastructure and supports sustainable communications services.

Mitigation - The County Council suggests that the developer makes separate enquiries with broadband providers and ensures that future occupants have access to sustainable communications infrastructure, giving appropriate thought to the choice and availability of providers which can offer high speed data connections. More information on how to incorporate broadband services as part of the design of new development is available by following the link below:
https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders

6 Further to condition 6 regarding landscaping. The Landscape Architect advises of the following:

The proposals include 47 trees in total, many of which are located close to dwellings and therefore small growing species have been chosen. This will result in a low overall impact and in some areas trees will appear almost non-existent in the street scene. Considers a much bolder approach to tree planting is required. Suggests that within the development space is created to include a good structure of tree planting, particularly in a corridor east - west across the centre of the site, which will have a significant impact and help assimilate the development into the surrounding woodland and landscape.

Planting proposals should be consistent with a Coalfield Estate lands Landscape Type with species choices relating to existing nearby hedgerow and woodlands including the Ancient Woodland at Dog Kennel Coppice.

Due to extensive earthworks operations this site is likely to provide challenging ground conditions for the establishment of trees and it is important that extensive works are undertaken including subsoil ripping to provide good growing conditions. Whilst would prefer the inclusion of greater numbers of Quercus robur and Quercus petraea, suggests that these are planted as groups feathered trees rather than heavy standards to aid establishment in conjunction with alternative species as heavy standards for immediate effect.

7 The Highway Authority advise as follows:

i. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge

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across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

ii. 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.

iii. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

1. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

iv. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 538658).

v. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

vi. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).

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vii. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

viii. The application site and access road is affected by, and adjacent to numerous Public Rights of Way (Footpath/ Bridleway number FP11, FP33,FP36, FP41, BW5, BW9, BW28, BW38, BW41, BW42 Shipley on the Derbyshire Definitive Map). The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Public Rights of Way Section

8 The details of the specifications and locations of integrated bat and bird boxes need to be shown on the layout plans submitted with this reserved matters application.

DWT point out that section 5.16 of the Planning Statement states that this application for reserved matters will adhere to the Ecological Design Strategy.

Section 1.5 of the approved Ecological Design Strategy (outline condition 46 of AVA/2018/0970) states that the document needs to address the relevant sections of Note 8 of the outline planning permission. Paragraph (j) of Note 8 deals with the creation of new wildlife features including bird boxes and bat roost features within buildings and structures.

Section 6.6 of the EDS states that a range of bird nest boxes suitable for house sparrow, house martin, starling and swifts will be installed on suitable buildings. It should be noted that swifts are colonial nesters and, as such, nest boxes for this species should be grouped together. DWT recommend that the house sparrow terraces and swift bricks are of a design that is built into the external fabric of the building rather than surface mounted.

Section 6.11 of the EDS states that bat boxes will be installed on suitable buildings. Again, DWT would recommend that the bat bricks are of a design that is built into the external fabric of the building rather than surface mounted.

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9 The Borough Council's Principal Pollution Officer notes that 'Noise Assessment' (Document Ref: 47061551/NOIS/04, URS, July 2014), approved at Outline stage, should be reviewed in relation to conditions 23, 24, 25 and 26 of the said consent.

It should be noted that the review of the noise assessment at discharge stage may require further amendments to the site layout, levels or building design/construction to accommodate the aspects of good acoustic design and mitigation.

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
LS2 - Community Safety
LS3 - Design
LS4 - Accessibility
LS5 - Section 106 Agreements
EN1 - Countryside
EN2 - Green Belt
EN3 - Major Development in the Green Belt
EN8 - Landscape Features
EN9 - Landscape Features
EN13 - Nature Conservation
EN14 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN27 - Conservation Areas
EN30 - Scheduled Ancient Monuments
EN31 - Archaeological Interest
EN36 - Renewable Energy
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP2 - Footpath, Cycleway, Bridleway network
TP3 - Section 106 footpath etc network
TP6 - Parking

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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, character and design, landscape or heritage features and highway safety.

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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.