Simon Gladwin
Executive Director (Operations)
Development Management

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Mr T Broster
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C/o Agent

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9 Yardley Close
Swanwick
DE55 1EP

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/2022/0422**) which was valid on the 11 May 2022 for permission for **Variation of condition 4 of AVA/2021/1338 to enable a greater level of the residential development to be occupied, served from the southern access, prior to the requirement for the northern access to be completed at Lily Street Farm Derby Road Swanwick**

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/2021/1338, 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 approved shall be undertaken in accordance with the following:

   Site Location Plan - dwg.17-272-11
   Planning Layout - dwg.no. 17-272-10B
   Design Statement

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Phasing Plan dwg 17-272-30

Type A Proposed plans and 3d view dwg.HT-A-PL
Type A Proposed elevations dwg. HT-A-EL

Type B Proposed plans and 3d view dwg.HT-B-PL
Type B Proposed elevations dwg.HT-B-EL

Type C Proposed plans and 3d view dwg.HT-C-PL Rev A
Type C Proposed elevations dwg.HT-C-EL Rev A

Type D Proposed plans and 3d view dwg.HT-D-PL Rev A
Type D Proposed elevations dwg.HT-D-EL Rev A

Type E Proposed plans and 3d view dwg.HT-E-PL
Type E Proposed elevations dwg.HT-E-EL

Type F Proposed plans and 3d view dwg.HT-F-PL
Type F Proposed elevations dwg.HT-F-EL

Type G Proposed plans and 3d view dwg.HT-G-PL
Type G Proposed elevations dwg.HT-G-EL

Type H Proposed plans and 3d view dwg.HT-H-PL
Type H Proposed elevations dwg.HT-H-EL

Type J Proposed plans and 3d view dwg.HT-J-PL Rev A
Type J Proposed elevations dwg.HT-J-EL Rev A

Type K Proposed plans and 3d view dwg. HT-K-PL Rev A
Type K Proposed elevations dwg.HT-K -EL Rev A

Type L Proposed plans and 3d view dwg. HT-L-PL
Type L Proposed elevations dwg.HT-L -EL

Type M Proposed plans and 3d view dwg. HT-M-PL Rev A
Type M Proposed elevations dwg.HT-M -EL Rev A

Type N Proposed plans and 3d view dwg. HT-N-PL Rev A
Type N Proposed elevations dwg.HT-N -EL Rev A

Type O Proposed plans and 3d view dwg. HT-O-PL Rev A

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Type O Proposed elevations dwg.HT-O -EL Rev A

Type P Proposed plans and 3d view dwg. HT-P-PL Rev A
Type P Proposed elevations dwg.HT-P -EL Rev A

Type Q Proposed plans and 3d view dwg. HT-Q-PL Rev A
Type Q Proposed elevations dwg.HT-Q -EL Rev A

Type R Proposed plans and 3d view dwg. HT-R-PL Rev A
Type R Proposed elevations dwg.HT-R -EL Rev A

Type S Proposed plans and 3d view dwg. HT-S-PL Rev A
Type S Proposed elevations dwg.HT-S -EL Rev A

Type T Proposed plans and 3d view dwg. HT-T-PL Rev A
Type T Proposed elevations dwg.HT-T -EL Rev A

Type U Proposed plans and 3d view dwg. HT-U-PL Rev A
Type U Proposed elevations dwg.HT-U -EL Rev A

Type V Proposed plans and 3d view dwg. HT-V-PL
Type V Proposed elevations dwg.HT-V -EL

Type W Proposed plans and 3d view dwg. HT-W-PL Rev A
Type W Proposed elevations dwg.HT-W-EL Rev A

Garage Type 01 dwg. GT-01-PL
Garage Type 02 dwg. GT-02-PL
Garage Type 03 dwg. GT-03-PL
Garage Type 04 dwg. GT-04-PL
Garage Type 05 dwg. GT-05-PL

Northern Access ITM9036-GA-02
Southern Access ITM9036-GA
Highway Works Scheme ITM9036-GA-18

Landscaping Overview C-1516-08b
Landscaping Phase 1 - Sheet 1 C-1516-03c
Landscaping Phase 1 - Sheet 2 C-1516-04c
Landscaping Phase 1 - Sheet 3 C-1516-05c
Landscaping Phase 1 - Sheet 4 C-1516-06c
Landscaping Phase 1 - Sheet 5 C-1516-07c

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Plots 111-114 Ground Floor
Plots 111-114 First Floor Plan
Plots 111-114 Roof Plan
Plots 111-114 Elevations

Reason: To define the terms of the permission.

3. The development shall be undertaken in accordance with the materials schedules Alfreton Derby Road PH1 - External Finishes - 29.01.2021.pdf and Lily Street Farm Materials Layout 17-272-300 120221.pdf submitted to the local planning authority on 13 March 2022.

   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 the occupation of any dwellings, the southern access shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any scheme shall be in accordance with drawing no. Southern AccessITM9036-GA.

   Prior to the occupation of the 158th dwelling and/or any commercial/retail/business premises, the northern access shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any scheme shall be generally in accordance with drawing no Northern Access ITM9036-GA-02.

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

5. Premises within the site, the subject of the application, shall not be occupied until space has been provided within the site curtilage for parking, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

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

6. Prior to works commencing on site space shall be provided for the storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and

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manoeuvring of site operatives' and visitors' vehicles in accordance with the Site Construction Management Compound Plan Compound Location 29-09-17.pdf.

The facilities shall be maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

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

7. Throughout the period of construction within any phase vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

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

8. All accesses within the development shall not be taken into use until 2m x 2m x 45º pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

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

9. There shall be no gates or other barriers within 5 metres of the nearside highway boundary and any gates shall open inwards only.

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

10. Vehicle accesses shall be no steeper than 1:15 down and 1:12 up for the first 5 metres from the nearside highway boundary.

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

11. No building hereby permitted shall be occupied until drainage works have been implemented in accordance with following:

    PJS17-22-101 - Drainage General Arrangement
    PJS17-22-102 - Highway General Arrangement

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PJS17-22-103 - Long Sections
PJS17-22-104 - Long Sections
PJS17-22-105 - Long Sections
PJS17-22-106 - Long Sections
PJS17-22-107 - Kerbing layout.
PJS17-22-108 - Drainage Construction details
PJS17-22-109 - Highway Construction details
PJS17-22-110 - Contour Layout
PJS17-22-111 - Storm Area Plan
PJS17-22-112 - Foul Area Plan
PJS17-22-113B- External Works
PJS17-22-114A - External Works
PJS17-22-115C - External Works
PJS17-22-116B - External Works
PJS17-22-117 - Manhole Schedule
PJS17-22-118 - Pond & Headwall
PJS17-22-119A - Watercourse General
PJS17-22-120 - Watercourse Sections
PJS17-22-121 - Watercourse Sections
PJS17-22-122 - Watercourse Sections
PJS17-22-123A - Watercourse Sections
PJS17-22-124A - Watercourse Sections
PJS17-22-125 - Watercourse Sections
PJS17-22-126 - Watercourse Sections

Reason: In the interests of highway safety in accordance with saved policies H12 and EN15 of the Adopted Amber Valley Borough Local Plan 2006.

12. The development shall be constructed in accordance with the agreed levels as per the following drawings:

PJS17-22-113B- External Works
PJS17-22-114A - External Works
PJS17-22-115C - External Works
PJS17-22-116B - External Works

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.

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Notes

Attention is drawn to the attached notes:

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
TP1 - Impact on the Transport Network
TP2 - Footpath, Cycleway, Bridleway network
TP3 - Section 106 footpath etc network
TP6 - Parking
TP9 - Safeguard Heanor IRR
EN1 - Countryside
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
EN36 - Renewable Energy

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 186 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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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.