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

Mrs S Holmes-Burns
Notions
33 Derby Road
Heanor
Derbyshire
DE75 7QG

Mr Chris Froggatt
Architectural Building Design Services
P.O. Box 7291
Alfreton
DE55 9BA

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 the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/1137**) which was valid on the 21 December 2020 for permission for **Outline application for detached dwelling, including increase in land levels at Notions 33 Derby Road Heanor**

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. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

   Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Borough Council shall be obtained prior to the commencement of any development in respect of the appearance, landscaping and scale of the buildings.

   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

Date : 15 July 2022

Signed

Simon Gladwin
Executive Director (Operations)

3. The development hereby permitted shall be carried out only in accordance with the details and specifications set out below and the conditions within this decision notice:

   - Site Location Plan;
   - Proposed Site Plan drawing no. 1834 / 01 Rev F; and,
   - Proposed Site Section drawing no. 1834 / 02 Rev B.

   Reason: In order to define the permission.

4. Before any other operations are commenced a new vehicular and pedestrian access shall be created to Abbott Street in accordance with the revised application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

   Reason: In the interests of highway safety in accordance with saved policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

5. Prior to any other works commencing, the entire site frontage shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2.4m into the site from the carriageway edge in order to maximise the visibility available to drivers emerging onto the highway.

   Reason: In the interests of highway safety in accordance with saved policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

6. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents vehicles, laid out, surfaced 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 policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

7. There shall be no gates or other barriers located across the entire frontage of the property.

   Reason: In the interests of highway safety in accordance with saved policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 15 July 2022

Signed

Simon Gladwin
Executive Director (Operations)

8. No development shall commence until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

   The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

   Reason: This pre-commencement condition is required to ensure that effective remedial or mitigating measures are taken to treat, control or contain unstable land in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 178 and 179 of the National Planning Policy Framework.

9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

   Reason: To ensure that effective remedial or mitigating measures have been undertaken to treat, control or contain unstable land in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 178 and 179 of the National Planning Policy Framework.

10. No development shall take place until:

    - A satisfactory ground gas investigation and risk assessment in order to determine what, if any, ground gas remediation measures may be required has been carried out and submitted to the Local Planning Authority for approval.

    or;

    - details of appropriate ground gas mitigation measures to be installed in the buildings in lieu of any ground gas investigation have been submitted to the Local Planning Authority.

    The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, should be carried out or

Date : 15 July 2022

Signed

Simon Gladwin
Executive Director (Operations)

assessed in accordance with the guidance contained in the latest version of BS8485 "Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: This pre-commencement condition is required to prevent any risk to human health from ground gas in accordance with saved policy EN18 of the Adopted Local Plan and paragraph 178 of the NPPF.

11. The 1.8m high close boarded fence to the rear of the application site, adjacent to the patio area, shall be erected in accordance with drawing no. 1834 / 01 Rev F prior to occupation of the hereby approved development and retained in perpetuity for the life of the development.

    Reason: For the avoidance of doubt and to ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

12. The first floor, rear (north facing) windows serving the bathroom and landing shall be glazed in highly obscured (non see through) glass and be non-opening unless the opening parts of the windows which can be opened are more than 1.7m above the floor of the room in which the windows are installed. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

    Reason: For the avoidance of doubt and to safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no windows (other than those approved by this permission) shall be formed on the west facing elevation(s) of the hereby approved development without the prior written approval of the Local Planning Authority.

    Reason: To safeguard the amenities of the future occupiers of the development in accordance with saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no development relating to Class A, B and C of Part 1 of Schedule 2 (erection

Date : 15 July 2022

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

of extensions and alterations to the roof) 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 saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The Coal Authority advise the applicant of the following:

Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at:
https://www.gov.uk/get-a-licence-for-coal-mining

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:
https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and

Date : 15 July 2022

Signed

Simon Gladwin
Executive Director (Operations)

amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

2 The Highway Authority advise the following:

- 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 - Place 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/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

- The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

- 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 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.

- 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.

Reasons for 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 relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

Date : 15 July 2022

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

LS1 - Sustainability criteria
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land

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, sunlight/daylight, character and design, landscape or heritage features and highway safety.

Date : 15 July 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.**