Simon Gladwin
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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/2021/0168**) which was valid on the 18 February 2021 for permission for **Demolition of existing dwelling, construction of a replacement dwelling including amendments to the existing access at Mill Farm 18 Wood Lane Horsley Woodhouse**

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 from the date of this permission.

   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 within the following documents:

   - Proposed block & location plans drawing no. 102 Rev D; and,
   - Proposed layouts & elevations drawing no. 202 Rev G.

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Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

3. Notwithstanding the hereby approved plans, within 3 months of the date of this decision, full details of the proposed treatment of the boundary(ies) of the site shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full within 6 months of the date of approval of the agreed scheme.

   Reason: 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.

4. The hard and soft landscaping as shown on drawing no. 102 Rev D shall be implemented in full. The hard standing shall be implemented within 3 months of the date of the permission. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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 saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. 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 of Part 1 of Schedule 2 (erection of extensions) 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, EN2 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

6. 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 E of Part 1 of Schedule 2 (erection of buildings incidental to the enjoyment of the dwelling house) shall be undertaken without the prior written approval of the Local Planning Authority.

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Reason: To protect the character and visual amenities of the locality in accordance with saved policy LS3, EN2 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. The space provided within the application site for the parking and manoeuvring of residents' vehicles shall be maintained throughout the life of the development free from any impediment to its designated use.

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

8. The development shall be carried out in accordance with the mitigation and compensation strategy detailed in the Technical Note - Bat Mitigation Response letter prepared by Baker Consultants dated 20/10/2020 unless varied by a European Protected Species licence subsequently issued by Natural England, a copy of which shall be submitted to the Local Planning Authority. The agreed features for roosting bats shall be permanently installed in accordance with the approved details prior to the occupation of the hereby approved development.

   Reason : To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. The first floor, north facing window serving the en-suite and the first floor, south facing window serving the playroom shall be glazed in highly obscured (non see through) glass and be top-opening only. 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 saved policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

10. Notwithstanding the hereby approved plans and within 1 month of the date of this permission, precise details of the screening to both the rear and front balconies shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be installed in accordance with the agreed details within 3 months of the date of this permission and retained in perpetuity.

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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.

Notes

Attention is drawn to the attached notes:

1 With regards to condition 3, it would appear that the front boundary wall 'as erected' conflicts with the access serving the adjacent development to the north, approved under planning references AVA/2019/1245 and PDR/2020/0040. The applicant is advised that this issue needs to be addressed.

2 With regards to condition 10, the applicant is advised of the following:

- the Local Planning Authority would require balcony screening details to include an opaque screen no lower than 1.8m high on the side, south facing elevation of the front balcony

- the 'as erected' screening to the rear balcony does not sufficiently screen from views over neighbouring properties. The applicant is therefore advised that a more opaque solution is sought to replace the 'as erected' screening.

3 Derbyshire Wildlife Trust advise the applicant that they need to apply for a modification of the previously granted Natural England Licence, to ensure that it is tied to the new permission reference (i.e tied to AVA/2021/0168).

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:

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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, sunlight/daylight, 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.