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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 the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2022/0652**) which was valid on the 22 July 2022 for permission for **Outline application for a single detached dwelling plus a detached garage and turning space including access and scale at 11 St Johns Drive Kilburn Belper**

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 layout.

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

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3. The development shall be undertaken in accordance with the details contained in the plans listed below and any conditions attached to the permission:

   Proposed Site location plan (only in respect to identifying the site) - drawing number DMA19-009 SK 81 02

   Proposed Block plan (only in relation to the access, shared drive and turning area, eaves height) - drawing number DMA19-009 SK 81 03

   Proposed site out plan (only in relation to the access, shared drive and turning area, eaves height) - drawing number DMA19-009 SK 81 01

   Reason: To define the terms of the permission

4. As part of any reserved matters application an arboricultural report in the format BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' to support the application shall be submitted to the Local Planning Authority for approval. This should include an up to date Arboricultural Impact Assessment, tree protection plans and appropriate method statements (as per section 5 & 6 of BS5837:2012).

   Reason: To prevent unnecessary damage to existing trees in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

5. As part of any reserved matters application, details of the existing and proposed ground levels, and proposed finished floor levels of the proposed dwelling shall be submitted to the Local Planning Authority for approval. The information submitted shall provide details of the height of the proposed single storey dwelling and proposed boundary treatments in relation to the existing dwellings adjacent to the site.

   Reason: To define the terms of this permission and for the avoidance of any doubt and in the interests of the visual amenity and character of the locality in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006

6. The existing trees adjacent to the application site shall be protected in accordance with BS5837:2012 during the construction process.

   Reason: The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site in accordance with saved policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

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7. Before any other operations are commenced the existing access shall be modified in accordance with the application drawings, provided with a minimum width of 4.25m, once provided it shall be maintained in perpetuity 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 policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. The first 2m of the fence adjacent to the adjoining public footpath, when measured from the highway access, shall be reduced in height to no greater than 1m above the footpath level to ensure pedestrian intervisibility is provided.

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

9. The premises, the subject of the application, shall not be occupied until turning space has been provided within the application site in accordance with the application drawings for the and manoeuvring of residents and small service and delivery 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 the safety of the users of the access and public highway safety in general in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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

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

11. This permission relates to the erection of a dwelling with an eaves height of no more than 5m.

    Reason: To define the terms of this permission and for the avoidance of any doubt and in the interests of the visual amenity and character of the locality in accordance with policies LS3, and H12 and of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 The applicant is advised that that the coal mining risk assessment (CMRA) accompanying the application concludes that it is unlikely that there are any shallow mine workings, so it is unlikely mine gas will present a risk. However, historic maps show that the site lies in an area that was formerly a brickyard with associated clay excavation and subsequently may have been filled with unknown material. There is a risk from ground gas from such fill. The site lies in an area where basic radon protection measures are required, which should be ensured through building control. This will provide some protection from ground gases, but it is recommended that the applicant considers upgrading to the gas protection measures recommended in the CMRA.

2 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

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

3 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.

4 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.

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5 The applicant is reminded of their obligations under the Wildlife and Countryside Act, 1981 as amended, with regards to protected species, with particular regard to bats.

6 The council will encourage the developers to help to meet the Government's commitments to achieve net-zero carbon emissions by 2050, and to meet the NPPF's environmental objective of mitigating and adapting to climate change, including moving to a low carbon economy, through the inclusion of on-site renewable energy generation, the de-carbonising of heating systems and enhanced levels of insulation.

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;

LS1 - Sustainability criteria
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN8 - Landscape Features
EN13 - Nature Conservation
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.

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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.**