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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/2022/0229**) which was valid on the 17 March 2022 for permission for **Construction of a detached dwelling along with associated parking and amenity space at Red Roofs 280 Nottingham Road Ripley**

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 commenced before the expiration of three years from the date of this permission.

   Reason: In order that the development is commenced in a timely manner in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans:

   i) Proposed Elevations Drawing No.1773 102 rev B received 2022;
   ii) Proposed Location and Site Plan Drawing No.1773 101 rev B received 2022;
   iii) Coal Mining Risk Assessment received 2nd August 2022; and
   iv) Arboricultural Report received 27th October 2022.

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Signed

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Reason: To define the permission and for the avoidance of doubt.

3. No development shall commence until;
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow 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: In order to ensure the safety and stability of the proposed development.

4. No development shall commence until:
i. A letter from a competent person confirming that a coal mining risk assessment intrusive investigation did not encounter any coal mine features at shallow depth and that the ground gas risk does not require further investigation shall be submitted to and accepted in writing by the local planning authority.
ii. Should the coal mining risk assessment intrusive investigation encounter coal mine features at shallow depth, a ground gas investigation and risk assessment shall be carried out and a report submitted to and accepted in writing by the local planning authority.
iii. Where the approved risk assessment (required by ii) identifies ground gases posing unacceptable risks, a detailed scheme to address the risks shall be submitted to and accepted in writing by the local planning authority.

   Any remedial actions required by the report submitted in fulfilment of (iii) above shall be undertaken and documented in a Verification Report which shall be submitted to and accepted in writing by the local planning authority prior to the occupation of any structure.

   Reason: To ensure that the development can be carried out in the interests of public health and safety.

5. 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.

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Reason: To ensure that the necessary remedial works have been carried out in the interests of the environment.

6. Before any other operations are commenced a new vehicular and pedestrian access shall be created to Nottingham Road in accordance with the revised application drawings, laid out, constructed and provided with 2.4m x 43m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level. For the avoidance of doubt, this will require the relocation of the street lighting column.

   Reason: In the interests of highway safety.

7. 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 and manoeuvring of residents and manoeuvring of 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.

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

   Reason: In the interests of highway safety.

9. The proposed access drive to Nottingham Road shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided such facilities shall be maintained in perpetuity free from any impediment to their designated use.

   Reason: In the interests of highway safety.

10. Prior to works on the hereby approved building 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.

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Prior to any building hereby permitted being occupied, the finished floor levels of the building 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.

11. Prior to works on the elevations hereby permitted are commenced, a sample of both the walling and roofing materials and finishes to be used in the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

    Reason: To ensure the development is carried out in a way which respects the visual and environmental quality of the site and surrounding area in accordance with policies LS3, and H12 of the Adopted Amber Valley Borough Local Plan 2006.

12. Prior to the commencement of development, the tree shown on the submitted Arboricultural Report which overhangs the site, shall be fenced off to the limit of its branch spread in accordance with BS 5837. No works including: i. removal of earth; ii. Storage of materials; iii. vehicular movements or; iv. siting of temporary buildings or structures, shall be permitted within this protected area. These tree protection measures shall remain in place until the development is completed.

    Reason: To prevent unnecessary damage to existing tree in the interests of the environmental quality of the site and surrounding area.

13. Prior to installation, precise details of the proposed treatment of the boundaries of the site shall be submitted to and approved in writing by the local planning authority. Prior to any building hereby permitted being occupied, the boundary treatment for the dwelling shall be installed and completed in accordance with the agreed details.

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

14. 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) 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 policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

15. 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 Classes A, B and C of Part 1 of Schedule 2 (windows, dormer windows, rooflights, doors) shall be inserted into the south eastern elevation of the hereby approved development without the prior written approval of the local planning authority.

    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.

16. Prior to the development hereby permitted being occupied/brought into use, the bathroom and ensuite windows to the south east elevation shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. The landing window to the north west elevation shall be obscurely glazed and fixed.
    Once installed the glazing shall be retained as such thereafter.

    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.

17. The area of hardstanding for car parking, situated between the front wall of the dwelling and the back edge of the footway shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.
    The hardstanding shall then be constructed in accordance with the submitted details prior to the dwelling being occupied.

    Reason: To ensure the provision of adequate facilities to dispose of surface water in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 When undertaking ground gas investigation and designing gas protection measures, reference should be made to the British Standards BS8576 "Guidance on investigations for ground gas" and BS8485 "Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings"

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:

EN18 - Derelict, Unstable And Contaminated Land
EN8 - Landscape Features
EN15 - Development and Flood Risk
EN16 - Pollution
H3 - Housing development within settlements
H12 - Design and amenity considerations
LS3 - Design
TP1 - Impact on the Transport Network
TP6 - Parking

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.