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/2022/0480**) which was valid on the 21 June 2022 for permission for **Demolition of existing property and construction of 4 bedroom 2 storey dwelling at Birches Brow 104 Birches Lane South Wingfield**

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) and paragraph 47 of the National Planning Policy Framework 2021.

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

   i) Proposed Elevations Drawing No. DR3/05/22 rev A received 21st December 2022;

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ii) Proposed Location Plan, Site Plan and Floor Plans Drawing No. DR7/05/22 received 25th May 2022;
iii) Demolition Method Statement received 27th October 2022; and
iv) Existing elevations DR15/05/22 received 21st December 2022.

Reason: To define the permission and for the avoidance of doubt and to comply with policies LS1 and LS3 of the Amber Valley Borough Local Plan 2006.

3. No development above damp proof course shall take place until there has been submitted to and approved in writing by the local planning authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal. The development shall be carried out in accordance with those materials.

   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 commencement of the development the developer shall submit a scheme taking into account National Best Practice Guidance and highlighting details of the likely resultant dust levels from activities during the demolition phase at the nearest residential premises. The investigation shall address the impact that the activities will have, in terms of dust, on nearby residential properties. This assessment and mitigation measures shall be submitted for the approval of Development Services prior to commencement of the development. Once agreed, all identified dust control measures shall be implemented and thereafter retained.

   Reason: To protect the amenities of the nearby residential occupiers and to comply with policy EN16 of the Amber Valley Borough Local Plan 2006.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (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 policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

6. Replacement parking shall be provided on the basis of 3 spaces for this 4 bedroom dwelling. This should be provided and available for use before first occupation of the new dwelling.

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Reason: In accordance with the established policy of the Local Planning Authority to ensure that domestic vehicles and those of visitors, may be parked clear of the public highway in accordance with policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

7. Any plant (including forklift trucks and telehandlers) used on the application site shall be fitted with noise attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever plant is used on the site.

   Reason: To protect the amenities of the nearby residential occupiers in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

8. The development shall be carried out in accordance with the mitigation and enhancement measures outlined in the Evaluation and Recommendations section of the report letter prepared by Elms Ecology dated 22nd September 2022. The measures shall include the need to apply for a Natural England Bat Mitigation Licence. All works shall then proceed in accordance with the measures and the conditions of the Natural England licence, a copy of which shall be submitted to the local planning authority once issued.

   Reason: To protect the existing bat population and to ensure biodiversity enhancements on the site for the benefits of the environment in accordance with policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to building works commencing above foundation level, a bat and bird box plan shall be submitted to and approved in writing by the local planning authority to compensate for the impacts of the development and to provide biodiversity net gain. Such approved measures shall be implemented in full and maintained thereafter. Photographs of these features in situ shall be submitted to the local planning authority to discharge this condition, and the features shall be maintained in perpetuity.

   Reason: To improve the biodiversity and enhancement of the site in the interests of the environment in accordance with policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

10. The area of hardstanding for car parking, situated between the front wall of the new 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 dwellinghouse. The hardstanding shall then be constructed in accordance with the submitted details prior to the dwelling being occupied.

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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.

11. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0730 and 1800 hours weekdays, and 0730 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

12. Prior to the dwelling hereby permitted being occupied, the finished floor levels of the dwelling and any changes to the land levels of the development shall be constructed and completed in accordance with the submitted 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.

Notes

Attention is drawn to the attached notes:

1 The developer should seek professional advice if they suspect Asbestos Containing Material (ACM) is present on any building to be demolished or altered. The developer/land owner/ land manager may be liable if they fail to identify and manage any ACM appropriately.

More information regarding ACM can be found on the Health and Safety Executives web page (www.hse.gov.uk/asbestos).

2 The applicant is strongly urged to help meet the Government's commitments to achieve net-zero carbon emissions by 2050, and to meeting the NPPF's environmental objective of mitigating and adapting to meet climate change, including moving to a low carbon economy. Therefore, the applicant is strongly urged to include on-site renewable energy generation (e.g. solar panels), the de-carbonising of heating systems (e.g. air-/ground-source heat pumps) and enhanced levels of insulation beyond those required by present building standards.

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3 There shall be no bonfires on site.

4 No generators or pumps to be used on site without prior written permission from the local planning authority.

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:

H12 - Design and amenity considerations
H3 - Housing development within settlements
EN13 - Nature Conservation
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
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.**