Simon Gladwin
Executive Director (Operations)
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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/2022/0926**) which was valid on the 31 October 2022 for permission for **Variation of conditions 2 & 5 of AVA/2020/0862 to substitute The Arboricultural Assessment (AA) & the Arboricultural Method Statement (AMS) with updated versions of the AA & AMS, and condition 7 to update the approved landscaping scheme and to include details of the play area at TAPTON ESTATES LTD Derwentside Industrial Park Derby Road**

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 carried out only in accordance with the details and specifications shown on the following:

Application Site Plan	HEP011-017	30/03/17
Existing Site Plan	BDS/PL/01	
Proposed Site Plan	BDS/PL/02E	20/11/20
Proposed Diagrammatic Street Scene Site Sections		BDS/PL/04
Proposed Diagrammatic Street Scene Site Sections		BDS/PL/05
Proposed Diagrammatic Street Scene Site Sections		BDS/PL/06
Proposed Diagrammatic Street Scene Site Sections		BDS/PL/07

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Arboricultural Assessment		Jan 2023
Arboricultural Method Statement		Jan 2023
Tree Retention Plan	8927-T-02 J	September 2022
Structural Report		(following site visit 6 April 2022)

Site Specific House Types

Alderwood LH (AS) BDS/ALD_LH (AS)sb/PL/C1	05/08/20
Alderwood RH (AS) BDS/ALD_RH(AS)sb/PL/01 rev A	05/08/20
Bramley RH (AS) BDS/BMY MID (AS)sb/PL/01	03/08/20
Chestnut LH (AS) CHE/LH (AS)sb/PL/01 rev C	10/12/12
Cooper (AS) CPR(AS) sb/PL/01 rev B	10/12/19
Maple (AS) MAP (AS)sb/PL/01 rev A	10/12/19
Milton (AS) MIL (AS) sb/PL/01 rev B	10/12/19
Nightingale Mid (AS) NTG/MD(AS)sb/PL/01	10/12/19
Redfern (OP) (OP) sb/PL/01 rev B	06/12/19
Hawksmoor BDS/HWK(AS)sb/PL/01A	16/12/19
Substation Drawing EKV0015	08/09/08

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.

2. No dwelling shall be occupied until space has been provided in accordance with the approved drawings for off-street car parking.

   Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy TP6 Adopted Amber Valley Borough Local Plan 2006.

3. The garages/parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

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Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

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

   Reason: to enable a vehicle to wait off the highway while the gates are being opened, in the interests of road safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

5. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

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

6. 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 2 of Schedule 2 (erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) 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 of the Adopted Amber Valley Borough Local Plan 2006.

7. All landscaping shall be carried out in accordance with the following drawings:-

   8927-L-02 L
   8927-L-03 L
   8927-L-04 L
   8927-L-05 L
   8927-L-06 L
   8927-L-07 L
   8927-L-13 Play Area with Levels

   Before the end of the first planting season following occupation/first use of any part of the development hereby permitted all soft landscaping shall be carried out and completed in accordance with the approved soft landscaping details.

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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 policies LS3 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

8. No development shall take place above slab level of the dwellings until there has been submitted to and approved in writing by the Local Planning Authority details and samples of all the materials and finishes to be used for the external elevations and roof of the dwellings, and the development shall be carried out with those materials.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policy LS3 and of the Adopted Amber Valley Borough Local Plan 2006.

9. Notwithstanding the approved drawings, no development shall take place above slab level of the dwellings, until there has been submitted to and approved in writing by the Local Planning Authority full details of the design and materials of the covered access between plots 61 and 62, and the development shall be carried out with the approved details.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policy LS3 and of the Adopted Amber Valley Borough Local Plan 2006.

10. No development shall take place above slab level of the dwellings until there has been submitted and approved in writing

    - window surround features;
    - dormer details;
    - entrance canopy details;
    - window frame material and finished colour;
    - entrance door pattern, material, finish and colour;
    - PV panels details and the plots to which such shall be incorporated
    - The development shall be carried out in accordance with the approved details.

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Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

11. Notwithstanding the approved drawings, prior to commencement on plots 1 and 16-22, a scheme detailing the existing and proposed finished floor levels of these plots 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.

    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.

12. Prior to first occupation of any dwelling, a scheme for the provision for electric vehicle charging to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. EV charging points that are agreed shall be provided prior to the occupation of the associated dwelling. Once provided the charging points shall be retained thereafter.

    Reason: In accordance with policy LS3 and EN36 of the Adopted Amber Valley Borough Local Plan 2006.

13. Notwithstanding any submitted or approved plan, a scheme for the precise details of the SUDS Pond including its levelling and shaping 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 that there are adequate facilities for the disposal of foul and surface water in accordance with policy LS3 and EN15 of the Adopted Amber Valley Borough Local Plan 2006.

14. No development shall take place until full construction details of any areas which are not to become part of the adopted highway, including pathways, shared driveways and parking courtyards (including materials and finishes), have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

    Reason: This is a pre-commencement of works condition to ensure the satisfactory appearance of the completed development in accordance with policies LS3 of the Adopted Amber Valley Borough Local Plan 2006.

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15. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with condition 14 above, up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

    Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy TP1 Adopted Amber Valley Borough Local Plan 2006.

16. Prior to works above ground level commencing, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the drives/accesses/shared drives onto the proposed adopted highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

    Reason: To ensure that there are adequate facilities for the disposal of foul and surface water in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

17. Prior to the occupation of any dwelling the agreed details for the arrangements of bin collection/temporary storage of bins on collection day shall be implemented and such shall be retained for the life of the development.

    Reason: To safeguard amenities of the occupiers of adjoining properties and in the interest of highway safety in accordance with policies TP1 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

18. No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the

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assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

19. Notwithstanding any approved drawing, no dwelling shall be occupied until full details of the proposed treatment of the boundary(ies) of any plot or any part of the site have been submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing 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 policy H12 of the Adopted Amber Valley Borough Local Plan.

Notes

Attention is drawn to the attached notes:

1 The applicant's attention is drawn to the planning conditions and associated S106 agreement of outline planning permission AVA/2017/0374.

2 The applicant is reminded to consider potential health risks when carrying out landscaping, in particular in areas where hotspot material has been buried.

3 The applicant is advised that the detail of the SUDS pond should provide for a natural, non-engineered character and appropriate hard/soft landscaping in the surrounding space to provide a natural non-ornamental environment with footpath linkage to adjacent footpaths.

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4 The Council's Open Spaces Officer recommends that the following be incorporated into the play area:

- The provision of self-closing gates to the pathway leading to and from the public highway - any gate should conform to European Safety Standard EN1176 and the Disability Discrimination Act. The gates should open inwards to prevent an obstruction to the highway and would prevent children running out into potential traffic. Maintenance access will need to be considered.
- The play boulders located on the gradients could cause injury if fallen/stumbled onto therefore it is suggested that these are omitted from the scheme. A further bench in the junior area could compensate for their removal and offer somewhere for visitors of this area to sit and relax.
- Handrails to the steps leading down the handrails would be beneficial.
- The bank either side of the access to the junior climbing frame (Bespoke Ben Nevis) at 1:2 is quite steep and may fail a post installation Inspection. A barrier is advised to be put in place to discourage access up/down this gradient alongside the item to prevent slips and falls. Care should also be taken to ensure the timber part of the legs do not sit below ground the level as any build-up of earth would expedite ground rot. It is noted steel legs are supplied at the base of the legs and these are the only items that should sit below ground.
- A post installation inspection carried out by a member of the "Register of Play Inspectors International Ltd" would be beneficial to the developer to offer reassurance that the new play area meets modern standards and has been installed correctly.

5 The developer is reminded that all trees should be in consultation with the arboricultural consultant and in accordance with the approved Abroricultural Assessment, with particular reference to paragraph 6.3 which addresses soil volume and tree pit design.

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, 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.