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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/2022/1126**) which was valid on the 28 December 2022 for permission for **Erection of two detached dwellings with associated garage, gardens and additional parking spaces at Land At 62 Derby Road Swanwick Alfreton**

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.

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2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the following plans:

   Scheme Design Site Layout, Drg no PA/22-005 SK-81-101-B
   Scheme Design -Dwellings - Drg no PA/22-005-SK-81-102 B

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS 3 of the Adopted Amber Valley Borough Local Plan 2006.

3. No above ground development shall take place to the external elevations or roof of the dwelling 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, and the development shall be carried out 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. The dwellings hereby approved, shall not be occupied until the boundary treatments as annotated on drawing no PA/22-005 SK-81-101-B shall have been erected. The approved boundary treatments shall be maintained in perpetuity.

   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.

5. No development shall commence until:

   a) i. The approved development site has been subjected to a site walk-over and chemical analysis of near-surface soil samples by a suitably qualified competent person.

   ii. A report providing the details of the visit, analysis results and assessment has been submitted and approved in writing by the Local Planning Authority.

   iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.

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b) The development shall be undertaken in compliance with the requirements contained within the approved RMS.

c) If during development works, any contamination is encountered which was not previously identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.

d) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement of development condition necessary in the interests of ensuring the site is made free from unacceptable levels of ground contamination in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

6. No development shall commence until:

a) 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.

b. 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: This is a pre-commencement of development condition necessary in the interests of ensuring the site is made free from unacceptable levels of ground gas in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

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7. No development shall commence until the remediation works and/or mitigation measures, identified by GRM Development Solutions Ltd (report author of the Coal Mining Risk Assessment: GRM/P9835/CMRA.1,19 November 2021) to address land instability arising from coal mining legacy, have been implemented on site in full. The remedial works shall be carried out in accordance with authoritative UK guidance.

   Reason: This is a pre-commencement of development condition necessary in order to ensure that the site is made safe and stable for the development proposed in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

8. No development shall commence until the remediation works and/or mitigation measures, identified by GRM Development Solutions Ltd (report author of the Coal Mining Risk Assessment: GRM/P9835/CMRA.1,19 November 2021) to address land instability arising from coal mining legacy, have been implemented on site in full. The remedial works shall be carried out in accordance with authoritative UK guidance.

   Reason: This is a pre-commencement of development condition necessary in order to ensure that the site is made safe and stable for the development proposed in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

9. 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 highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

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2 With regards to Condition 6, 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:

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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.**