Simon Gladwin
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr And Mrs Shooter
214 Sandbed Lane
Belper
Derbyshire
DE56 0SN

Seb Design
24 Springfield Avenue
Loscoe
Heanor
Derbyshire
DE75 7LN

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/2022/0799**) which was valid on the 22 September 2022 for permission for **Proposed new dwelling (alterations to the design of dwelling previously approved AVA/2014/0449) at Land Adjacent To Abbey Farm Church Street Horsley**

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.

Date : 31 March 2023

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2. The development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this permission:

   Drawing 0422/2210 - 1 Revision D - Proposed elevations, floor plans, site layout, block plan, site location plan - received on 14/03/2023

   Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement for Land Adjacent to Abbey Farm Church Street Horsley Derby Derbyshire, prepared by Jonathan Oakes Tree Care dated 11/11/2022.

   Reason: In order to define the permission.

3. Prior to the commencement of work on site tree protection measures shall be implemented on the site in accordance with the details set out in the
   Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement for Land Adjacent to Abbey Farm Church Street Horsley Derby Derbyshire, prepared by Jonathan Oakes Tree Care dated 11/11/2022, and shall be maintained during the construction period.

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

4. The approved development shall be carried out with the following materials:

   Bricks - Weinerberger Terca Kassandra Multi

   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 above ground floor slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the tiles to be used for 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.

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6. Notwithstanding details shown on the approved plans all works within tree RPAs shall be undertaken in accordance with the methods stated
within the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement for Land Adjacent to Abbey Farm Church Street Horsley Derby Derbyshire, prepared by Jonathan Oakes Tree Care dated 11/11/2022.

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

7. The position of the stone wall along the back edge of the pavement along Church Street shall be altered in accordance with the details shown on the approved plan. The relevant sections are to be rebuilt, using the reclaimed stone from the section of the wall to be taken down, to the existing height with detailing including the existing copings and natural stone gate posts. The stone walls shall subsequently be retained in the new position throughout the lifetime of the development.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

8. The proposed development shall have a finished floor level of 97.30 as stated on the approved plan.

   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.

9. Notwithstanding the details shown on the approved plans, prior to the commencement of work above foundation level, a schedule of all hard landscaping materials shall be submitted to and approved by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

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10. Prior to the occupation of the hereby approved development full details of the proposed treatment of the boundary(ies) of the site shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with the approved details prior to the occupation of the development.

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

11. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the submitted application drawings for the parking of residents' vehicles, laid out, surface and maintained throughout the life of the development free from any impediments 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 policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A, B, C, D of Part 1 of Schedule 2 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.

Notes

Attention is drawn to the attached notes:

1 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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2 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 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:

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
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN27 - Conservation Areas

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.**