Simon Gladwin
Executive Director (Operations)
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/2022/1104**) which was valid on the 22 December 2022 for permission for **Approval of Reserved Matters (appearance, landscaping, layout and scale) of Outline consent AVA/2019/0188 (approved on Appeal ref: APP/M1005/W/20/3251787) for the erection of 180 dwellings and associated open space, drainage and infrastructure at Land Off Stanley Street Stanley Street Somercotes**

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 to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   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 : 03 May 2023

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2. The hereby approved development shall be carried out in accordance with the following approved documents and drawings:

- Application Form
- Arboricultural Method Statement Revision B prepared by FPCR dated February 2023
- Landscape and Ecological Management Plan Revision A prepared by FPCR dated February 2023
- Construction Environmental Management Plan Revision A prepared by FPCR dated February 2023
- Planning Layout Drawing Ref SOME/PA/002 Rev C
- Affordable Housing Tenure Plan Drawing Ref SOME/PA/005 - Rev B
- Boundary Treatment Plan Drawing Ref SOME/PA/004 Rev B
- Detailed on-plot Planting Plan General Assembly Drawing Ref 11339-FPCR-XX-XX-DR-L-0001 Issue P05
- Detailed Landscape Plan Drawing ref 11339-FPCR-XX-XX-DR-L-0006 Issue P05
- Detailed Landscape Plan Drawing ref 11339-FPCR-XX-XX-DR-L-0007 Issue P05
- Detailed On-plot Planting Plan Sheet 2 of 5 Drawing Ref 11339-FPCR-XX-XX-DR-L-0002 Issue P05
- Detailed On-plot Planting Plan Sheet 3 of 5 Drawing Ref 11339-FPCR-XX-XX-DR-L-0003 Issue P05
- Detailed On-plot Planting Plan Sheet 4 of 5 Drawing Ref 11339-FPCR-XX-XX-DR-L-0004 Issue P05
- Detailed On-plot Planting Plan Sheet 5 of 5 Drawing Ref 11339-FPCR-XX-XX-DR-L-0005 Issue P05
- Tree Retention Plan Drawing Ref 11339-T-02 Rev B
- Electrical Charging Point Location Plan Drawing Number SOME/PA/006 Rev B
- Vehicle Tracking Drawing Number 40-21 Rev P3
- House Type Pack HTP01 Rev B dated February 2023
- Materials Plan Drawing Ref SOME/PA/003 Rev B

Reason: For the avoidance of doubt and to define the terms of this permission.

3. The properties, 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 of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In accordance with policy TP6 of the Amber Valley Borough Local Plan 2006.

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4. The hereby approved development shall not be commenced, except for site clearance and remediation, until an application for S.38 approval with regard to the full engineering details, drainage, street lighting and constructional details of the streets proposed for adoption has been submitted to Derbyshire County Council as Highway Authority. The development shall, thereafter, be constructed in accordance with the approved details. The approve scheme shall be completed in accordance with the approved details before the development is occupied/brought into use.

   Reason: In the interest of highway safety in accordance with saved policy TP1 of the Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

2 Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Development Control Team at County Hall, Matlock (Tel: 01629 533190) or email Development.Implementation@derbyshire.gov.uk

3 Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Development Control Implementation Team - Place at County Hall, Matlock (Tel: 01629 533190) or email Development.Implementation@derbyshire.gov.uk

4 Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

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5 The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

6 Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

7 The application site is affected by a Public Right of Way. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

Date : 03 May 2023

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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
LS2 - Community Safety
LS3 - Design
LS4 - Accessibility
LS5 - Section 106 Agreements
H5 - Housing development outside settlements
H10 - Urban affordable housing
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN1 - Countryside
EN8 - Landscape Features
EN9 - Landscape Features
EN10 - Agricultural Land Quality
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN17 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN30 - Scheduled Ancient Monuments
LC1 - Provision of outdoor playing space

In detail:

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.

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.

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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.**